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ABSTRACT

The publication, Part VII of a series, includes the charters, constitutions, articles of association or community organization, and by-laws of California Indians on 16 reservations and rancherias. Legal documents from the following groups are provided: Hoopa, Me-Wuk, and Paiute Indians; the Agua Caliente Band of Mission Indians; the Mission Creek Band: Big Valley, Kashia, and Upper Lake Pomo Indians; the Quechan and Washoe tribes; and Indians from the Santa Rosa Community and the Susanville and Trinidad rancherias. Anthropologists have divided California Indians into 21 linguistic groups, most of which are too small to classify as tribes. The location of Indians on reservations is by bands or groups rather than by linguistic or tribal designation. Also included in the document are the Rancheria and Reservation Act of Public Law 85-671 and a brief description of the socioeconomic background of California Indians. (EJ)

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# CHARTERS, CONSTITUTIONS AND BY-LAWS OF THE INDIAN TRIBES OF NORTH AMERICA

## Part VII: The Indian Tribes of California

compiled/edited by

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Agua Caliente Band of Mission Indians
Pit River Home and Agricultural Cooperative Association
Big Valley Band of Pomo Indians of the Big Valley Rancheria
Kashia Band of Pomo Indians of the Stewarts Point Rancheria
Upper Lake Pomo Indian Community
Quechan Tribe, Fort Yuma
Santa Rosa Indian Community, Santa Rosa Rancheria
Cher-ae Heights Indian Community, Trinidad Rancheria (Yurok)
Washoe Tribe of California and Nevada

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# CALIFORNIA INDIANS, RESERVATIONS AND RANCHERIAS

Issued by the Bureau of Indian
Affairs, Sacramento Area
Office, California

Scientists have divided California Indians into 21 linguistic groups, most of which were too small to bear the usual designation of tribe. In the last of the 19th century, California Indians were the victims of unwarranted treatment. Some protective efforts were undertaken with the establishment of reservations and rancherias, today numbering 76 and comprising nearly one-half million acres, were established by Executive or Secretarial Order setting aside Public Domain for Indian use, by purchase, or in a few instances, by the gift of land. Some reservations were established for a specifically named group and others were for "landless California Indians." Many Indians without reservation affiliation were given public domain allotments which were the equivalent to homesteads to non-Indians. Locations of the Indians on the reservations are by bands or groups, not by linguistic or tribal designation. For example, there are Cahuilla Indians on the Agua Caliente Reservation at Palm Springs and the Augustihe Band of Cahuilla Indians of the Augustine Reservation at Thermal.

While a few reservations contain substantial resources, such as timber, most are unproductive and serve basically as homesites for the Indian owners who must earn their livelihood by off-reservation employment. Reservation use follows two basic patterns. Land may be allotted, i. e., divided among the members of the band or group, or it may be used on an assignment basis which is a use right wherein no vested interest is acquired. A few reservations have been allotted, but the majority are still in tribal or group ownership and used by members on an assignment basis. Use of rancherias is by assignment only. Some groups are formally organized with a constitution and bylaws and others are not, depending upon precedent and custom in making decisions effecting the group.

In the early years Indian residents of California were furnished few, if any, services by the State and its local subdivisions, which meant that the Indian Bureau had many responsibilities. Day schools were established on many reservations, as well as boarding schools where children were brought from other areas. Some 30 years ago, the right of Indian children living on trust property to attend public schools was established and thereafter in California reservation day schools were gradually closed and in 1952 when by no further admissions the attendance of California Indians at Government boarding schools was discontinued. All Indian children living in California today are expected to attend local public schools the same as non-Indian resident children.

Other services formerly made available to California Indians by the Indian Bureau have been assumed by the State and local agencies and some by other Federal agencies. Since 1952 this office has not had funds with which to continue the limited welfare services previously furnished, because Indians are entitled to assistance through county welfare departments the same as other eligible resident citizens. California was one of the states named in Public Law 83-280, enacted in 1953, which transferred civil and criminal jurisdiction over Indian reservations to local law enforcement agencies. Public Law 277, also enacted in 1953, removed Federal restrictions over Indian consumption of liquor. In 1955 the responsibility for the Indian health and hospital program throughout the United States was transferred from the Bureau of

Indian health and hospital program throughout the United States was transferred from the Bureau of Indian Affairs to the Public Health Service. In California the program of the Division of Indian Health of the Public Health Service is limited to construction of sanitation facilities for Indian homes and communities. However, Indians in California have access to the same medical facilities as other resident citizens. Summarily, California Indians are entitled to and expected to participate in programs generally available to the citizens of the State.

In their socio-economic development Indians differ from reservation to reservation, One of the big problems on a number of reservations is lack of steady, year-round jobs, resulting in seasonal wage work and welfare assistance during the off-season. As a means of helping to overcome the frequent lack of opportunity to obtain higher-level skills, the Indian Bureau conducts an Employment Assistance Program which encompasses vocational training at State and private vocational schools and relocation on a voluntary basis to any one of several urban areas throughout the west and middle west. Living quarters occupied by California Indian reservation residents, for the most part, are those which they themselves have supplied and, as may be imagined, they vary tremendously in conveniences offered. In most cases, reservation residents do not have sufficient incomes to qualify for Government-insured private housing loans or low-rent public housing. The possibilities of self-help housing, where materials are provided with the Indians doing the labor is being explored as a means of alleviating this situation.

While many Federal services to Indians are the result of treaties, there are no treaties with California Indians. (The 18 separate treaties which were negotiated in 1850 and 1851 with California Indians were never ratified by the U.S. Senate and therefore never became effective.) The primary function of the Sacramento Area Office of the Bureau of Indian Affairs is the administration of Indian trust lands. Being in trust means that the Federal Government has placed certain restrictions on the Indian owners in connection with the use and disposition of the land. Although trust land is exempt from taxation, the Indians cannot lease or sell it without first obtaining the consent of the Government. As a result of this ownership restriction and to assist the Indian people to become more self-supporting, the Bureau of Indian Affairs constructs and maintains roads and irrigation systems, where needed, manages timber resources and grazing lands, leases land for agricultural and other uses, sells individually-owned trust land or timber upon request of the Indian owner, advises and provides guidance on organization and governmental matters and related items such as tribal membership and budgets. This office does not make annual census of California Indians, nor are census maintained for all the reservations and rancherias. It is estimated that there are about 40,000 California Indians of which about 7,500 reside on trust lands.

Public Law 85-671, commonly known as the Rancheria Act, was enacted by Congress in 1958 and amended in 1964. This Act permits the distribution of the land and other assets of any reservation or rancheria lying wholly within the State of California to the Indian owners, thereby removing it from trust status and making it the same as any other privately-owned property, if a majority of the members so desire. Some 30 rancherias have been removed from trust status under this Act and several more are in the process.

One of the popular misconceptions with regard to Indians is that by virtue of being Indian, each such individual receives a periodic payment from the Federal Government. This, or course, is untrue. The only payments received by Indians, as

such, from the Federal Government are based on land ownership or on a reservation affiliation whereby income from a tribal resource is being distributed to members; for example, revenue from the sale of tribally-owned timber or whereby a judgement award received by the tribe is being distributed. Along with all other Indians, California Indians are full citizens and have a right to vote. They can come and go as they please, work where they want, accumulate property, or do anything else open to any other citizen. Even on California Indian reservations, only vestiges of the aboriginal culture remain. Few of the original dances and ceremonials are still practiced and only a few of the older Indians are familiar enough with the arts and handicraft of their ancestors to produce similar items. Concisely, contemporary California Indians live much the same as anyone else within the same economic level.

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PUBLIC LAW 85-671

AN ACT

To provide for the distribution of the land and assets of certain Indian rancherias and reservations in California, and for other purposes.

[August 18, 1958; H. R. 2824]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the lands, including minerals, water rights, and improvements located on the lands, and other assets of the following rancherias and reservations in the State of California shall be distributed in accordance with the provisions of this Act: Alexander Valley, Auburn, Big Sandy, Big Valley, Blue Lake, Buena Vista, Cache Creek, Chicken Ranch, Chico, Cloverdale, Cold Springs, Elk Valley, Guidiville, Graton, Greenville, Hopland, Indian Ranch, Lytton, Mark West, Middletown, Montgomery Creek, Mooretown, Nevada City, North Fork, Paskenta, Picayune, Pinoleville, Potter Valley, Quartz Valley, Redding, Redwood Valley, Robinson, Rohnerville, Ruffeys, Scotts Valley, Smith River, Strawberry Valley, Table Bluff, Table Mountain, Upper Lake, Wilton.

SEC. 2. (a) The Indians who hold formal or informal assignments on each reservation or rancheria, or the Indians of such reservation or rancheria, or the Secretary of the Interior after consultation with such Indians, shall prepare a plan for distributing to individual Indians the assets of the reservation or rancheria, including the assigned and the unassigned lands, or for conveying such assets to a corporation or other legal entity organized or designated by the group, or for conveying such assets to the group as tenants in common. The Secretary shall provide such assistance to the Indians as is necessary to organize a corporation or other legal entity for the purposes of this Act.

(b) General notice shall be given of the contents of a plan prepared pursuant to subsection (a) of this section and approved by the Secretary, and any Indian who feels that he is unfairly treated in the proposed distribution of the property shall be given an opportunity to present his views and arguments for the consideration of the Secretary. After such consideration, the plan or a revision thereof shall be submitted for the approval of the adult Indians who will participate in the distribution of the property, and if the plan is approved by a majority of such Indians who vote in a referendum called for that purpose by the Secretary the plan shall be carried out. It is the intention of Congress that such plan shall be completed not more than three years after it is approved.

(c) Any grantee under the provisions of this section shall receive an unrestricted title to the property conveyed, and the conveyance shall be recorded in the appropriate county office.

(d) No property distributed under the provisions of this Act shall at the time of distribution be subject to any Federal or State income tax. Following any distribution of property made under the provisions of this Act, such property and any income derived therefrom by the distributee shall be subject to the same taxes, State and Federal, as in the case of non-Indians: Provided, That for the purpose of capital gains or losses the base value of the property shall be the value of the property when distributed to the individual, corporation, or other legal entity.

SEC. 3. Before making the conveyances authorized by this Act on any rancheria or reservation, the Secretary of the Interior is directed:

(a) To cause surveys to be made of the exterior or interior boundaries of the lands to the extent that such surveys are necessary or appropriate for the conveyance of marketable and recordable titles to the lands.

(b) To complete any construction or improvement required to bring Indian Bureau roads serving the rancherias or reservations up to adequate standards comparable to standards for similar roads of the State or subdivision thereof. The Secretary is authorized to contract with the State of California or political subdivisions thereof for the construction or improvement of such roads and to expend under such contracts moneys appropriated by Congress for the Indian road system. When such roads are transferred to the State or local government the Secretary is authorized to convey rights-of-way for such roads, including any improvements thereon.

(c) To install or rehabilitate such irrigation or domestic water systems as he and the Indians affected agree, within a reasonable time, should be completed by the United States.

(d) To cancel all reimbursable indebtedness owing to the United States on account of unpaid construction, operation, and maintenance charges for water facilities on the reservation or rancheria.

(e) To exchange any lands within the rancheria or reservation that are held by the United States for the use of Indians which the Secretary and the Indians affected agree should be exchanged before the termination of the Federal trust for non-Indian lands and improvements of approximately equal value.

SEC. 4. Nothing in this Act shall abrogate any water right that exists by virtue of the laws of the United States. To the extent that the laws of the State of California are not now applicable to any water right appurtenant to any lands involved herein they shall continue to be inapplicable. While the water right is in Indian ownership for a period not to exceed fifteen years after the conveyance pursuant to this Act of an unrestricted title thereto, and thereafter the applicability of such laws shall be without prejudice to the priority of any such right not theretofore based upon State law. During the time such State law is not applicable the Attorney General shall represent the Indian owner in all legal proceedings, including proceedings before administrative bodies, involving such water right, and in any necessary affirmative action to prevent adverse appropriation of water which would encroach upon the Indian water right.

SEC. 5. (a) The Secretary of the Interior is authorized to convey without consideration to Indians who receive conveyances of land pursuant to this Act, or to a corporation or other legal entity organized by such Indians, or to a public or nonprofit body, any federally owned property on the reservations or rancherias subject to this Act that is not needed for the administration of Indian affairs in California.

(b) For the purposes of this Act, the assets of the Upper Lake Rancheria and the Robinson Rancheria shall include the one-hundred-and sixty-acre tract set aside as a wood reserve for the Upper Lake Indians by secretarial order dated February 15, 1907.

(c) The Secretary of the Interior is authorized to sell the five hundred and sixty acres of land, more or less, which were withdrawn from entry, sale, or other dis-

position, and set aside for the Indians of Indian Ranch, Inyo County, California, by the Act of March 3, 1928 (45 Stat. 162), and to distribute the proceeds of sale among the heirs of George Hanson.

SEC. 6. The Secretary of the Interior shall disburse to the Indians of the rancherias and reservations that are subject to this Act all funds of such Indians that are in the custody of the United States.

SEC. 7. Nothing in this Act shall affect any claim filed before the Indian Claims Commission, or the right, if any, of the Indians subject to this Act to share in any judgment recovered against the United States on behalf of the Indians of California.

SEC. 8. Before conveying or distributing property pursuant to this Act, the Secretary of the Interior shall protect the rights of individual Indians who are minors, non compos mentis, or in the opinion of the Secretary in need of assistance in conducting their affairs, by causing the appointment of guardians for such Indians in courts of competent jurisdiction, or by such other means as he may deem adequate, without application from such Indians, including but not limited to the creation of a trust for such Indians' property with a trustee selected by the Secretary, or the purchase by the Secretary of annuities for such Indians.

SEC. 9. Prior to the termination of the Federal trust relationship in accordance with the provisions of this Act, the Secretary of the Interior is authorized to undertake, within the limits of available appropriations, a special program of education and training designed to help the Indians to earn a livelihood, to conduct their own affairs, and to assume their responsibilities as citizens without special services because of their status as Indians. Such program may include language training, orientation in non-Indian community customs and living standards, vocational training and related subjects, transportation to the place of training or instruction, and subsistence during the course of training or instruction. For the purposes of such program, the Secretary is authorized to enter into contracts or agreements with any Federal agency from undertaking any other program for the education and training of Indians with funds appropriated to it.

SEC. 10. (a) The plan for the distribution of the assets of a rancheria or reservation, when approved by the Secretary and by the Indians in a referendum vote as provided in subsection 2 (b) of this Act, shall be final, and the distribution of assets pursuant to such plan shall not be the basis for any claim against the United States by an Indian who receives or is denied a part of the assets distributed.

(b) After the assets of a rancheria or reservation have been distributed pursuant to this Act, the Indians who receive any part of such assets, and the dependent members of their immediate families, shall not be entitled to any of the services performed by the United States for Indians because of their status as Indians, all statutes of the United States which affect Indians because of their status as Indians shall be inapplicable to them, and the laws of the several States shall apply to them in the same manner as they apply to other citizens or persons within their jurisdiction. Nothing in this act, however, shall affect the status of such persons as citizens of the United States.

SEC. 11. The constitution and corporate charter adopted pursuant to the act of June 18, 1934 (48 Stat. 984), as amended, by any rancheria or reservation subject to this Act shall be revoked by the Secretary of the Interior when a plan is approved by a majority of the adult Indians thereof pursuant to subsection 2 (b) of this Act.

SEC. 12. The Secretary of the Interior is authorized to issue such rules and regulations and to execute or approve such conveyancing instruments as he deems necessary to carry out the provisions of this Act.

SEC. 13. There is authorized to be appropriated not to exceed $509,235 to carry out the provisions of this Act.

Approved August 18, 1958.

***

PUBLIC LAW 88-419

AN ACT

To amend the Act entitled "An Act to provide for the distribution of the land and assets of certain Indian rancherias and reservations in California, and for other purposes", approved August 18, 1958 (72 Stat. 619).

[August 11, 1964; H. R. 7833]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the first section of the Act entitled "An Act to provide for the distribution of the land and assets of certain Indian rancherias and reservations in California, and for other purposes," approved August 18, 1958 (72 Stat. 619), is amended to read as follows: "the lands, including minerals, water rights, and improvements located on the lands, and other assets of the rancherias and reservations lying wholly within the State of California shall be distributed in accordance with the provisions of this Act when such distribution is requested by a majority vote of the adult Indians of a rancheria or reservation or of the adult Indians who hold formal or informal assignments on the rancheria or reservation, as determined by the Secretary of the Interior. The requirement for a majority vote shall not apply to the rancherias and reservations that were at any time named in this section."

(b) Section 2(a) of such Act is amended by deleting "The Indians who hold formal or informal assignments on each reservation or rancheria, or the Indians of such reservation or rancheria, or the Secretary of the Interior after consultation with such Indians," and by substituting "When the Indians of a rancheria or reservation request a distribution of assets in accordance with the provisions of this Act, they, or the Secretary of the Interior after consultation with them,".

(c) Section 2(a) of such Act is further amended by changing the period at the end of the first sentence to a colon and adding: "Provided, That the provisions of this section with respect to a request for distribution of assets shall not apply to any case in which the requirement for such request is waived by section 1 of this Act, and in any such case the plan shall be prepared as though request therefor had been made."

(d) Section 2(b) of such Act is amended by changing the period at the end of the penultimate sentence to a colon and adding: "Provided, That the provisions of such plan may be modified with the approval of the Secretary and consent of the majority of the distributees."

(e) Section 3(c) of such Act is amended to read as follows:

"(c) To construct, improve, install, extend, or otherwise provide, by contract or otherwise, sanitation facilities (including domestic and community water supplies and facilities, drainage facilities, and sewage- and waste-disposal facilities, together with necessary appurtenances and fixtures) and irrigation facilities for Indian homes, communities, and lands, as he and the Indians agree, within a reasonable time, should be completed by the United States: Provided, That with respect to sanitation facilities, as hereinbefore described, the functions specified in this paragraph, including agreements with Indians with respect to such facilities, shall be performed by the

Secretary of Health, Education, and Welfare in accordance with the provisions of section 7 of the Act of August 4, 1954 (58 Stat. 674), as amended (42 U.S.C. 2004a)."

(f) Section 3(e) of such Act is amended by deleting the word "non-Indian".

(g) Section 5 of such Act is amended by adding a new subsection as follows:

"(d) Any rancheria or reservation lying wholly within the State of California that is held by the United States for the use of Indians of California and that was not occupied on January 1, 1964, by Indians under a formal or informal assignment shall be sold by the Secretary of the Interior and the proceeds of the sale shall be deposited in the Treasury of the United States to the credit of the Indians of California. Any rancheria or reservation lying wholly within the State of California that is held by the United States for a named tribe, band, or group that was not occupied on January 1, 1964, may be sold by the Secretary of the Interior and the proceeds shall be deposited to the credit of the tribe, band, or group."

(h) Section 10(b) of such Act is amended (1) by inserting after the words "their immediate families " the words "who are not members of any other tribe or band of Indians", (2) by inserting after "because of their status as Indians", the words "all restrictions and tax exemptions applicable to trust or restricted land or interests therein owned by them are terminated,", and (3) by adding at the end of section 10(b) the following sentence: "The provisions of this subsection, as amended, shall apply in the case of a distribution of assets made either before or after the amendment of the subsection."

(i) Section 11 of such Act is amended by inserting immediately after the words "as amended," the words "or any other authority,".

(j) Section 13 of such Act is amended by deleting "not to exceed $509,235" and by substituting "such sums as may be necessary".

Approved August 11, 1964.

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# CONSTITUTION AND BY-LAWS OF THE HOOPA VALLEY TRIBE IN CALIFORNIA

Ratified May 13, 1950

## PREAMBLE

We, the members of the Hoopa Valley Tribe in California, in order to exercise our tribal rights and promote our common welfare do hereby ordain and establish this Constitution and Bylaws.

## ARTICLE I — PURPOSE

The purpose shall be to protect and promote the interests of the Hoopa Valley Indians, to develop cooperative relations with the agencies of the federal government and to cooperate with state and local governments.

## ARTICLE II — NAME

This tribal organization shall be called "The Hoopa Valley Tribe."

## ARTICLE III — TERRITORY

The jurisdiction of the Hoopa Valley Tribe shall extend to all lands within the confines of the Hoopa Valley Reservation boundaries as established by Executive Order of June 23, 1876, and to such other lands as may hereafter be acquired by or for the Hoopa Valley Indians of California.

## ARTICLE IV — MEMBERSHIP

SECTION 1. The membership of the Hoopa Valley Tribe shall consist as follows:

(a) All persons of Hoopa Indian blood whose names appear on the official roll of the Hoopa Valley Tribe as of October 1, 1949; provided that corrections may be made in the said roll by the business council within five years from the adoption and approval of this constitution, subject to the approval of the Secretary of the Interior or his authorized representative.

(b) All children, born to members of the Hoopa Valley Tribe, who are at least one-quarter degree Indian blood. (See attached Amendment I).

SECTION 2. The business council shall have the power to make rules governing the adoption of new members or the termination of membership in the tribe.

## ARTICLE V — GOVERNING BODY

SECTION 1. The governing body of the Hoopa Valley Indians of the Hoopa Valley Reservation shall be a council known as the Hoopa Valley Business Council.

SECTION 2. The business council shall consist of seven councilmen to be elected from the districts as set forth hereafter.

SECTION 3. The representation from the districts hereby designated shall be as follows: Hostler and Matilton Districts, one councilman; Soctish and Chenone Districts, one councilman; Agency District, Norton District, Campbell District, Bald Hill District, and Mesket District, one Councilman each.

SECTION 4. The business council shall have the power to change the districts and the representation from each district based upon community organization or otherwise, as deemed advisable, such change to be made by ordinance, but the total number of councilmen shall not be changed, as provided for in Section 2 of Article V of this Constitution. (See Ordinance dated July 1, 1958, and Modification of Ordinance, dated July 1, 1958.)

SECTION 5. The business council so organized shall elect from within its own number (1) a chairman and (2) a vice chairman, and from within or without its own membership (3) a secretary, and (4) a treasurer, and may appoint or employ from within or without its own membership such other officers and committees as may be deemed necessary.

SECTION 6. No person shall be a candidate for membership in the business council unless he shall be a member of the Hoopa Valley Tribe of the Hoopa Valley Reservation, and shall have resided or own land in the district of his candidacy for a period of one year next preceding the election and be at least 21 years of age.

SECTION 7. The business council of the Hoopa Valley Tribe of the Hoopa Valley Reservation shall be the sole judge of the qualifications of its members.

## ARTICLE VI — NOMINATIONS AND ELECTIONS

SECTION 1. The first election of business council under this constitution shall be called, held, and supervised by the present business council within 30 days after the ratification and approval of this constitution. At the first election, the candidate receiving the highest number of votes in the Mesket, Campbell, and Norton Districts shall serve 2 years. The candidates receiving the highest number of votes in the Bald Hill District, Agency District, the Soctish and Chenone Districts, the Hostler and Matilton Districts shall serve 1 year; and thereafter elections for the business council shall be held every year and shall be called at least 60 days prior to the expiration of terms of office. The term of office of a councilman shall be for a period of 2 years unless otherwise provided herein.

SECTION 2. The candidate receiving the greatest number of votes in his district shall be designated as the "councilman" to serve as stipulated in the preceding section; the candidate receiving the second greatest number of votes in his district shall be designated as "first sub-councilman" and may participate and vote in council meetings if the "councilman" is absent; and the candidate receiving the third greatest number of votes in his district shall be designated as "second sub-councilman," and may participate and vote in council meetings from which both the "councilman" and the "first sub-councilman" are absent. The terms of office for sub-councilmen shall coincide with the terms stipulated for the councilman.

SECTION. 3. The business council or an election board appointed by the council, shall determine rules and regulations governing all elections.

SECTION 4. All elections shall be by secret ballot.

SECTION 5. Any qualified member of the Hoopa Valley Tribe may announce his or her candidacy for the business council within the district of his or her residence or in which he or she owns land by petition signed by not less than 5 legal voters. A voter may sign only one petition. Petitions for nomination shall be filed with the secretary of the business council at least 10 days prior to the election for which the candidate makes his or her petition. It shall be the duty of the secretary to post in a public place in at least one place in the district affected, at least one week before the election the names of all candidates for the business council who have met these requirement.

SECTION 6. No person shall be a candidate for membership in the business council unless he shall be a member of the Hoopa Valley Tribe of the Hoopa Valley Reservation, and shall have resided or owns land in the district of his candidacy for a period of one year next preceding the election and be a least 21 years of age.

SECTION 7. Each member of the business council and each officer or subordinate officer, elected or appointed hereunder, shall take an oath of office prior to assuming the duties thereof, by which oath he shall pledge himself to support and defend the Constitution of the United States and this constitution and bylaws. The following form of oath of office shall be given: "I ..... do solemnly swear (or affirm) that I will support and defend theConstitution of the United States against all enemies; that I will carry out faithfully and impartially the duties of my office to the best of my ability; that I will promote and protect the best interests of my tribe, in accordance with this constitution and bylaws.

SECTION 8. Any member of the Hoopa Valley Tribe of the Hoopa Valley Reservation who is 21 years of age or over, and who has maintained legal residence for at least six months on the Hoopa Valley Reservation shall be entitled to vote.

SECTION 9. The business council or a board appointed by the business council shall designate the polling places and appoint all election officials.

## ARTICLE VII — VACANCIES AND REMOVAL FROM OFFICE

SECTION 1. If a councilman or official shall die, resign, be removed or recalled from office, permanently leave the reservation, or shall be found guilty of a felony or misdemeanor involving dishonesty in any Indian, State, or Federal Court, the business council shall declare the position vacant, the first sub-councilman in the district affected shall fill the unexpired term. In the absence of a first sub-councilman the second sub-councilman shall fill the unexpired term. In the absence of any sub-councilman the district affected shall elect to fill the unexpired term.

SECTION 2. The business council may by four affirmative votes expel any member for neglect of duty or gross misconduct. Before any vote for expulsion is taken on the matter, such member or official shall be given a written statement of the charges against him at least 5 days before the meeting of the business council before which he is to appear, and an opportunity to answer any and all charges at such designated council meeting. The decision of the business council shall be final.

SECTION 3. Upon receipt of a petition signed by one-third of the eligible voters in any district calling for the recall of any member of the council representing said district, it shall be the duty of the council to call an election on such recall petition. No member may be recalled in any such election unless at least 30 percent of the legal voters of the district shall vote at such election.

## ARTICLE VIII — POWERS AND DUTIES OF BUSINESS COUNCIL

SECTION 1. The business council shall have the following powers subject to any limitations imposed by Federal statutes or by the Constitution of the United States:

(a) To administer all tribal property by ordinance or resolution subject to the approval of the Commissioner of Indian Affairs or his authorized representative.

(b) To borrow money, subject to the approval of the Commissioner of Indian Affairs, from the Indian credit fund or from any other Federal or state agency, and to pledge or assign future tribal income as security for such loans.

(c) To collect and expend any Hoopa Valley Tribal Funds within the exclusive control of the tribe and to recommend the expenditure of any other tribal funds.

(d) To purchase in the name of the Hoopa Valley Tribe any land or other property the council may deem beneficial to said Hoopa Valley Indians.

(e) To enforce approved regulations for the protection of tribal property, wild life, and natural resources of the Hoopa Valley Indians.

(f) 1. To provide assessments or license fees upon non-members doing business or obtaining special privileges within the reservation, subject to the approval of the Commissioner of Indian Affairs of his authorized representative.

2. To promulgate and enforce assessments or license fees upon members exercising special privileges or profiting from the general resources of the reservation.

(g) To negotiate with the Federal, State and local governments on behalf of the tribe.

(h) To employ legal counsel, the choice of counsel and fixing of fees to be subject to the approval of the tribe and of the Commissioner of Indian Affairs.

(i) To prevent the sale, disposition, lease, or encumbrance of tribal lands, interests in lands, or other tribal assets.

(j) To exclude from the restricted land of the Hoopa Valley Indians persons not legally entitled to reside therein, under ordinances which shall be subject to the approval of the Commissioner of Indian Affairs or his authorized representative.

(k) To promulgate and enforce ordinances which shall be subject to the approval of the Commissioner of Indian Affairs, governing the conduct of members of the Hoopa Valley Indians.

(l) To safeguard and promote the peace, safety, morals, and general welfare of the Hoopa Valley Indians by regulating the conduct of trade and the use and disposition of property upon the reservation, provided that any ordinance directly affecting non-members of the Hoopa Valley Indians shall be subject to the approval of the Commissioner of Indian Affairs or his authorized representative.

(m) To confer with the Commissioner of Indian Affairs and the representative of his Bureau upon all appropriation estimates and budgets for the benefit of the tribe prior to their submission to the Bureau of the Budget and Congress.

(n) To establish a tribal court through the necessary ordinances and resolutions until State law and order jurisdiction is extended to the Hoopa Reservation.

SECTION 2. Any rights and powers heretofore vested in the Hoopa Valley Tribe but not expressly referred to in this constitution shall not be abridged, but may be exercised by the members of the Hoopa Valley Tribe through the adoption of appropriate bylaws and constitutional amendments.

SECTION 3. The business council of the Hoopa Valley Tribe may exercise such further powers as may in the future be delegated by any duly authorized official or agency of the federal or state government or by the members of the tribe.

## ARTICLE IX — AMENDMENTS

SECTION 1. Amendments to the constitution and bylaws may be ratified and approved in the same manner as this constitution and bylaws. Whenever the business council shall, by a vote of five or more members, call for the submission of an amendment, the business council shall call an election upon the proposed amendment. If at such election the amendment is adopted by a majority of the qualified voters of the tribe voting thereon and if at least 30 percent of those entitled to vote shall vote in such election, such amendment shall be submitted to the Commissioner of Indian Affairs and if approved by him, shall thereupon take effect.

## ARTICLE X — ELIMINATION OF APPROVAL

SECTION 1. The Hoopa Valley Tribe may request the elimination of the requirement of approval of the Secretary of the Interior, the Commissioner of Indian Affairs or his authorized representative at the expiration of five years from the date of the approval of this constitution and bylaws.

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## BYLAWS OF THE HOOPA VALLEY INDIANS

## ARTICLE I — BUSINESS COUNCIL

SECTION 1. The Chairman of the Business Council. The Chairman of the business council shall preside over all meetings of the council and of the tribes. He shall perform all duties of the Chairman and exercise any authority delegated to him by the business council.

SECTION 2. Vice-Chairman of the Business Council. The Vice-Chairman of the business council shall assist the Chairman when called upon to do so. In the absence of the Chairman, he shall preside, and when so presiding shall have all the rights, privileges and duties, as well as the responsibilities of the Chairman.

SECTION 3. Secretary of the Business Council. The Secretary of the business council shall conduct all correspondence and keep a complete and accurate record of all matters transacted at council and committee meetings. It shall be his duty to submit promptly to the Superintendent of the jurisdiction and to the Commissioner of Indian Affairs copies of all minutes of regular and special meetings of the business council and the tribes.

SECTION 4. Treasurer of the Business Council. The Treasurer of the business council shall be the custodian of all moneys which may come into the control of the business council. He shall pay out money in accordance with ordinances and resolutions of the business council. He shall keep an account of all receipts and disbursements, and shall report same to the business council at each regular meeting. He shall be bonded in such an amount as the business council may by resolution provide, approved by the Commissioner of Indian Affairs. The books of the council Treasurer shall be subject to audit or inspection at the direction of the business council or the Commissioner of Indian Affairs. The California Indian Agency shall be responsible for the custody and disbursement of tribal funds until the Treasurer obtains an adequate bond.

SECTION 5. Appointive Officers. The duties of all appointive committees and officers appointed by the business council shall be clearly defined by resolution of the business council at the times of their creation or appointment. Such committees or officers shall report from time to time, as required, to the business council, and their activities and decisions shall be subject to review by the business council upon the petition of any person aggrieved.

## ARTICLE II — TIME AND PLACE OF MEETINGS AND PROCEDURE

SECTION 1. Regular meetings of the business council shall be held on the first Thursday of each month in a hall designated by the business council.

Special meetings may be called by written notice signed by the Chairman, or by a petition signed by four council members, and when so called, the business council shall have power to transact business as in regular meetings.

SECTION 2. No business shall be transacted unless a quorum is present. A quorum shall consist of five councilmen.

SECTION 3. The following order of business is established for all meetings:

(a) Call to order by Chairman.

(b) Roll call.

(c) Ascertainment of a quorum.

(d) Reading of the minutes of the last meeting.

(e) Adoption of minutes by a vote or common consent.

(f) Un finished business.

(g) New business.

(h) Adjourmment.

SECTION 4. Report of Meetings. It shall be the duty of each member of the business council to make reports concerning the proceedings of the business council to the members of the district from which he is elected.

SECTION 5. Salaries. The business council may prescribe by resolution such salaries for officers, committees, or members of the council as it deems advisable from such funds as may be available.

## ARTICLE III — RATIFICATION OF CONSTITUTION AND BYLAWS

This constitution and bylaws shall be in full force and effect whenever a majority of the adult voters of the Hoopa Valley Tribe voting in an election called by the business council, in which at least 30% of the eligible voters vote, shall have ratified such constitution and bylaws, and the Commissioner of Indian Affairs shall have approved same.

ADOPTED BY VOTE OF THE COMMUNITY MAY 13, 1950.

APPROVED BY THE COMMISSIONER OF INDIAN AFFAIRS SEPTEMBER 4, 1952.

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## AMENDMENT TO THE CONSTITUTION AND BY-LAWS OF THE HOOPA VALLEY TRIBE IN CALIFORNIA

AMENDMENT I

Article IV, Section 1(b) of the Constitution and Bylaws of the Hoopa Valley Tribe in California is amended to read as follows:

> "1(b). All children of at least one-fourth (¼) degree of Hoopa Indian blood born to members of the Hoopa Valley Tribe after the effective date of this amendment. Degree or quantum of blood to be determined by adding one-half the degree of Indian blood of each parent as shown on the approved Roll Schedules of the Hoopa Valley Tribe."

### APPROVAL

Pursuant to the authority granted to me in Article IX of the Constitution and Bylaws of the Hoopa Valley Tribe in California, the foregoing amendment to Article IV, Section 1(b) of the Constitution and Bylaws of the Hoopa Valley Tribe in California, adopted by a vote of 178 for, and 36 against, in an election held on June 25, 1963,

in which over 30 percent of those entitled to vote cast ballots, is approved.

GRAHAM HOLMES

Acting Commissioner.

August 9, 1963

Washington, D. C.

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CORPORATE CHARTER OF THE TUOLUMNE BAND

OF ME-WUK INDIANS OF THE TUOLUMNE

RANCHERIA, CALIFORNIA

Ratified November 12, 1937

Whereas, the Tuolumne Band of Me-Wuk Indians of the Tuolumne Rancheria in the State of California constitutes a recognized Indian Band organized under a constitution and by-laws ratified by the members of the Tuolumne Band of Me-Wuk Indians on December 7, 1935, and approved by the Secretary of the Interior on January 15, 1936, pursuant to section 16 of the Act of June 18, 1934 (48 Stat. 984), as amended by the Act of June 15, 1935 (49 Stat. 378); and

Whereas, more than one-third of the adult members of the Band have petitioned that a charter of incorporation be granted to such Band, subject to ratification by a vote of the adult Indians living on the Rancheria;

Now, therefore, I, Oscar L. Chapman, Assistant Secretary of the Interior, by virtue of the authority conferred upon me by the said Act of June 18, 1934 (48 Stat. 984), do hereby issue and submit this charter of incorporation to the Tuolumne Band of Me-Wuk Indians of the Tuolumne Rancheria to be effective from and after such time as it may be ratified by a majority vote of the adult Indians living on the Rancheria at an election in which at least 30 percent of the eligible voters vote.

1. Corporate Existence and Purposes. In order to further the economic development of the Tuolumne Band of Me-Wuk Indians of the Tuolumne Rancheria in the State of California by conferring upon the said Band certain corporate rights, powers, privileges and immunities; to secure for the members of the Band an assured economic independence; and to provide for the proper exercise by the Band of various functions heretofore performed by the Department of the Interior, the aforesaid Band is hereby chartered as a body politic and corporate of the United States of America, under the corporate name, "Tuolumne Band of Me-Wuk Indians."

2. Perpetual Succession. The Tuolumne Band of Me-Wuk Indians shall, as a Federal corporation, have perpetual succession.

3. Membership. The Tuolumne Band of Me-Wuk Indians shall be a membership corporation. Its members shall consist of all persons now or hereafter members of the Band, as provided by its duly ratified and approved constitution and by-laws.

4. Management. The Tuolumne Community Council established in accordance with the said Constitution and By-laws of the Band, shall exercise all the corporate powers hereinafter enumerated.

5. Corporate Powers. The Band, subject to any restrictions contained in the Constitution and laws of the United States, or in the Constitution and laws of the United States, or in the Constitution and By-laws of the said Band, shall have the following corporate powers, in addition to all powers already conferred or guaranteed by the Band's constitution and by-laws:

(a) To adopt, use, and alter at its pleasure a corporate seal.

(b) To purchase, take by gift, bequest or otherwise, own, hold, manage, operate, and dispose of property of every description, real and personal, subject to the following limitations:

(1) No sale or mortgage may be made by the Band of any land or interests in land, including water, timber or mineral rights, now or hereafter held by the Band within the boundaries of the Tuolumne Rancheria.

(2) No leases or permits (which terms shall not include land assignments to members of the Band) covering any land or interests in land now or hereafter held by the Band within the boundaries of the Tuolumne Rancheria shall be made by the Band for a longer term than five years, and all such leases or permits must be approved by the Secretary of the Interior or by his duly authorized representative; but mineral leases, or any leases requiring substantial improvements of the land may be made for longer periods when authorized by law.

(3) No action shall be taken by or in behalf of the Band which in any way operates to destroy or injure the Community grazing lands or other natural resources of the Tuolumne Band of Me-Wuk Indians. All leases and permits relating to the use of community grazing lands shall conform to regulations of the Secretary of the Interior authorized by section 6 of the Act of June 18, 1934, with respect to range carrying capacity and other matters therein specified. Conformity to such regulations shall be made a condition of any such lease or permit whether or not such agreement requires the approval of the Secretary of the Interior, and the violation of such condition shall render the agreement revocable, in the discretion of the Secretary of the Interior.

(c) To borrow money from the Indian Credit Fund in accordance with the terms of section 10 of the Act of June 18, 1934 (48 Stat. 984), or from any other governmental agency, or from any member or association of members of the Band, and to use such funds directly for productive community enterprises, or to loan money thus borrowed to individual members or associations of members of the Band: Provided, That the amount of indebtedness to which the Band may subject itself, aside from loans from the Indian Credit Fund, shall not exceed $1,000, except with the express approval of the Secretary of the Interior.

(d) To engage in any business that will further the economic well-being of the members of the Band or to undertake any activity of any nature whatever, not inconsistent with law or with any provisions of this Charter.

(e) To make and perform contracts and agreements of every description, not inconsistent with law or with any provisions of this Charter, with any person, association, or corporation, with any municipality or any county, or with the United States or the State of California, including agreements with the State of California for the rendition of public services: Provided, That all contracts involving payment of money by the corporation in excess of $300 in any one year shall be subject to the approval of the Secretary of the Interior or his duly authorized representative.

(f) To pledge or assign chattels or future community income due or to become due to the Band: Provided, That assignments of income, other than an assignment to the United States, shall not extend more than five years from the date of execution and shall not amount for any one year to more than one-half of the net community income from any one source: And provided further, That any such pledge or assignment shall be subject to the approval of the Secretary of the Interior or his duly authorized representative.

(g) To deposit corporate funds, from whatever source derived, in any national or state bank to the extent that such funds are insured by the Federal Deposit Insurance Corporation, or secured by a surety bond, or other security, approved by the Secretary of the Interior; or to deposit such funds in the Postal Savings Bank or with a bonded disbursing officer of the United States to the credit of the Band.

(h) To sue and to be sued in courts of competent jurisdiction within the United States; but the grant or exercise of such power to sue and be sued shall not be deemed a consent by the Band or by the United States to the levy of any judgement, lien or attachment upon the property of the Band other than income or chattels specially pledged or assigned.

(i) To exercise such further incidental powers, not inconsistent with law, as may be necessary to the conduct of corporate business.

6. Termination of Supervisory Powers. Upon request of the Tuolumne Community Council for the termination of any supervisory power reserved to the Secretary of the Interior under sections 5 (b) (2), 5 (c), 5 (e), 5 (f), 5 (g), and section 8 of this Charter, the Secretary of the Interior, if he shall approve such request, shall thereupon submit the question of such termination for ratification by the Band. The termination shall be effective upon ratification by a majority vote of the adult members of the Band residing on the Rancheria, at an election in which at least 30 percent of the eligible voters vote. If at any time after ten years from the date of approval of the Charter, the Secretary shall disapprove a request for the termination of any such supervisory power, or fail to approve or disapprove it within 90 days after its receipt, the question of its termination may then be submitted by the Secretary or by the Community Council to popular referendum of the adult members of the Band actually living within the Rancheria, and if the termination is approved by two-thirds of the eligible voters, it shall be effective.

7. Corporate Powers. No property rights of the Tuolumne Band of Me-Wuk Indians shall be in any way impaired by anything contained in this Charter, and the community ownership of unallotted lands, whether or not assigned to the use of any particular individuals is hereby expressly recognized. The individually owned property of members of the Band shall not be subject to any corporate debts or liabilities, without such owners' consent. Any existing lawful debts of the Band shall continue in force, except as such debts may be satisfied or cancelled pursuant to law.

8. Corporate Dividends. The Band may issue to each of its members a non-transferable certificate of membership evidencing the equal share of each member in the assets of the Band and may distribute per capita, among the recognized members of the Band, all income of the Band over and above sums necessary to defray corporate obligations to members of the Band or to other persons and over and above all sums which may be devoted to the establishment of a reserve fund, the construction of public

works, the costs of public enterprises, the expenses of community government, the needs of charity, or other corporate purpose. Any such distribution of profits in any one year amounting to a distribution of more than one-half of the accrued surplus, shall not be made without the approval of the Secretary of the Interior. No financial assets of the Band shall be distributed except as provided herein.

9. Corporate Accounts. The officers of the Band shall maintain accurate and complete public accounts of the financial affairs of the Band, which shall clearly show all credits, debts, pledges, and assignments, and shall furnish an annual balance sheet and report of the financial affairs of the Band to the Commissioner of Indian Affairs.

10. Amendments. This Charter shall not be revoked or surrendered except by Act of Congress, but amendments may be proposed by resolutions of the Community Council which, if approved by the Secretary of the Interior, shall be effective when ratified by a majority vote of the adult members living on the Rancheria at a popular referendum in which at least 30 percent of the eligible voters vote.

11. Ratification. This Charter shall be effective from and after the date of its ratification by a majority vote of the adult members of the Tuolumne Band of Me-Wuk Indians living on the Tuolumne Rancheria, provided at least 30 percent of the eligible voters vote, such ratification to be formally certified by the Superintendent of the Sacramento Indian Agency and the Chairman and Secretary of the Tuolumne Community Council.

Submitted by the Assistant Secretary of the Interior for ratification by the Tuolumne Band of Me-Wuk Indians of the Tuolumne Rancheria in a popular referendum to be held on November 12, 1937.

Oscar L. Chapman,
Assistant Secretary of the Interior.

[SEAL]

Washington, D. C., October 4, 1937.

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CERTIFICATION

Pursuant to section 17 of the Act of June 18, 1934 (48 Stat. 984), this Charter, issued on October 4, 1937 by the Assistant Secretary of the Interior to the Tuolumne Band of Me-Wuk Indians of the Tuolumne Rancheria, was duly submitted for ratification to the adult Indians living on the Rancheria and was on November 12, 1937 duly ratified by a vote of 21 for, and 1 against, in an election in which over 30 percent of those entitled to vote cast their ballots.

John Kibby,
Chairman, Community Council.
Mrs. Thankful Geisdorff,
Secretary, Community Council.

Roy Nash,
Superintendent, Sacramento Agency.

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# CONSTITUTION AND BY-LAWS FOR THE TUOLUMNE BAND OF ME-WUK INDIANS OF THE TUOLUMNE RANCHERIA, CALIFORNIA

Approved January 15, 1936

## PREAMBLE

We, the Tuolumne Band of Me-wuk Indians of the Tuolumne Rancheria in the State of California, in order to establish a legal rancheria organization and secure certain privileges and powers offered to us by the Indian Reorganization Act, do hereby ordain and establish this constitution and bylaws.

## ARTICLE I — TERRITORY

The jurisdiction of the Tuolumne Band of Me-wuk Indians shall extend to the territory within the confines of the Tuolumne Rancheria, as established by warranty deed dated October 25, 1910, and to such other lands as may hereafter be added thereto under any law of the United States, except as otherwise provided by law.

## ARTICLE II — MEMBERSHIP

SECTION 1. The membership of the Tuolumne Band of Me-wuk Indians shall consist of—

(a) All persons of Indian blood whose names appear on the official census rolls of the band as of April 1, 1935.

(b) All children born to any member of the band who is a resident of the Tuolumne Rancheria at the time of the birth of said children.

SECTION 2. The community council shall have the power to promulgate ordinances, subject to review by the Secretary of the Interior, covering future membership and the adoption of new members, when the resources of the Tuolumne Rancheria make such adoptions possible.

## ARTICLE III — GOVERNING BODY

SECTION 1. The governing body of the Tuolumne Band of Me-wuk Indians shall be the community council which shall be composed of all the qualified voters of the band. A majority of the eligible voters shall constitute a quorum.

SECTION 2. All enrolled members of the Tuolumne Band of Me-wuk Indians who are twenty-one years of age or over, and who have maintained legal residence in the band for a period of one year immediately prior to any election are qualified voters at such election.

SECTION 3. The community council shall elect from its members by secret ballot (a) chairman, (b) vice chairman, (c) secretary, (d) treasurer, (e) and such other officers and committees as may be deemed necessary.

SECTION 4. The community council shall meet on the first Monday of January and July.

SECTION 5. Within thirty days after the ratification and approval of this constitution and bylaws, a community council meeting shall be held for the purpose of electing the officers named herein, and it may transact such other business as may be necessary. The officers elected at this meeting shall serve until the July meeting in 1937, at which time their successors shall be chosen. Thereafter, officials shall be chosen at the July meeting.

SECTION 6. The chairman, or 25 percent of the qualified voters, may, by written notice, call special meetings of the community council.

SECTION 7. The business committee shall consist of the chairman, secretary, and treasurer of the community council, and shall perform such duties as may be authorized by that council.

## ARTICLE IV — POWERS OF THE COMMUNITY COUNCIL

SECTION 1. Enumerated powers. — The Community Council of the band shall exercise the following powers, subject to any limitations imposed by the statutes or the Constitution of the United States:

(a) To negotiate with the Federal, State, and local Governments;

(b) To employ legal counsel, the choice of counsel and fixing of fees to be subject to the approval of the Secretary of the Interior;

(c) To veto any sale, disposition, lease, or encumbrance of tribal lands, interests in lands, or other tribal assets of the band;

(d) To advise the Secretary of the Interior with regard to all appropriation estimates for Federal projects for the benefit of the Tuolumne Rancheria prior to the submission of such estimates to the Bureau of the Budget and to Congress;

(e) To manage all economic affairs and enterprises of the Tuolumne Rancheria in accordance with the terms of a charter that may be issued to the band by the Secretary of the Interior;

(f) To promulgate and enforce ordinances, which shall be subject to review by the Secretary of the Interior, governing the conduct of members of the Tuolumne Band of Me-wuk Indians of the Tuolumne Rancheria; providing for the manner of making, holding, and revoking assignments of tribal land or interests therein; providing for the levying of taxes and the appropriation of available tribal funds for public purposes; providing for the licensing of nonmembers coming upon the reservation for purposes of hunting, fishing, trading, or other business, and for the exclusion from the territory of the band of persons not so licensed, and establishing proper agencies for the enforcement of such ordinances upon the Tuolumne Rancheria;

(g) To charter subordinate organizations for economic purposes and to delegate to such organizations, or to any subordinate boards or officials of the band, any of the foregoing powers, reserving the right to review any action taken by virtue of such delegated power;

(h) To adopt resolutions not inconsistent with this constitution and by-laws, regulating the procedure of the Community Council itself and of other tribal agencies, tribal officials, or tribal organizations of the band, and exercising such duties as are conferred upon the Council by the attached bylaws.

SECTION 2. Future powers. — The Community Council may exercise such further powers as may in the future be delegated to the Council by members of the tribe or by the Secretary of the Interior or any other duly authorized official or agency of the State or Federal Government.

SECTION 3. Reserved powers. — Any rights and powers heretofore vested in the Tuolumne Band of Me-wuk Indians of the Tuolumne Rancheria but not expressly referred to in this constitution shall not be abridged by this article, but may be exercised by the people of the Tuolumne Band of Me-wuk Indians of the Tuolumne Rancheria through the adoption of appropriate bylaws and constitutional amendments.

SECTION 4. Manner of review. — Any resolution or ordinance, which, by the terms of this constitution is subject to review by the Secretary of the Interior, shall be presented to the superintendent in charge of the rancheria, who shall, within ten days thereafter, approve or disapprove the same.

If the superintendent shall approve any ordinance or resolution, it shall thereupon become effective, but the superintendent shall transmit a copy of the same, bearing his endorsement, to the Secretary of the Interior, who may within 90 days from the date of enactment rescind the said ordinance or resolution for any cause by notifying the Community Council of such decision.

If the superintendent shall refuse to approve any ordinance or resolution submitted to him within ten days after its enactment, he shall advise the Community Council of his reasons therefor. If these reasons appear to the Council insufficient, it may, by a majority vote, refer the ordinance or resolution to the Secretary of the Interior who may, within 90 days from the date of its enactment, approve the same in writing, whereupon the said ordinance or resolution shall become effective.

## ARTICLE V — AMENDMENTS

SECTION 1. This constitution and bylaws may be amended by a majority vote of the qualified voters of the band voting at an election called for that purpose by the Secretary of the Interior: Provided, That at least 30 percent of those entitled to vote shall vote in such election; but no amendment shall become effective until it shall have been approved by the Secretary of the Interior.

SECTION 2. At any regular or special Community Council meeting, amendments to this constitution and bylaws may be proposed to be acted upon at the next semiannual Community Council meeting. If approved by a majority vote at such meeting, the proposed amendment shall be submitted to the Secretary of the Interior who shall thereupon call an election upon the proposed amendment.

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BYLAWS FOR THE TUOLUMNE BAND OF ME-WUK INDIANS OF THF

TUOLUMNE RANCHERIA OF CALIFORNIA

ARTICLE I -- DUTIES OF OFFICERS

SECTION 1. Each officer elected shall take an oath of office prior to assuming the duties thereof, by which oath he shall pledge himself to support and defend the Constitution of the United States and this constitution and bylaws.

Oath: I, _____ _____, do solemnly swear that I will support and defend the Constitution of the United States against all enemies; that I will carry out, faithfully and impartially, the duties of my office to the best of my ability; that I will cooperate, promote, and protect the best interests of my band in accordance with this constitution and bylaws.

SECTION 2. It shall be the duty of the community council and each member thereof to promote the general welfare of the members of this band and to carry out the provisions and purposes of this constitution and bylaws.

SECTION 3. It shall be the duty of the chairman to preside over all meetings of the community council and to carry out all orders of the council. All members of the community council and all subordinate officers shall assist the chairman in all proper ways to carry out the orders of the council.

SECTION 4. The council secretary shall keep a full report of all proceedings of each regular and special meeting of the community council and of the business committee, and shall perform such other duties of like nature as the council shall from time to time by resolution provide, and shall transmit copies of the minutes of each meeting to the superintendent in charge of the rancheria.

SECTION 5. The council treasurer shall be the custodian of all moneys which come under the jurisdiction or into the control of the community council. He shall pay out money in accordance with orders and resolutions of the council. He shall keep account of all receipts and disbursements and shall report the same to the council at each regular meeting. He shall be bonded in such an amount as the community council may by resolution, approved by the Commissioner of Indian Affairs, provide. The books of the council treasurer shall be subject to audit or inspection at the direction of the community council or the Commissioner of Indian Affairs. Until the council treasurer is bonded, the business committee may make such provision for the custody and disbursement of funds as shall guarantee their safety and proper disbursement and use.

SECTION 6. The subordinate officers of the community council shall perform such duties as the council may from time to time provide by resolution.

SECTION 7. The order of business at any regular or special meeting of the council shall be as follows:

1. Council called to order.
2. Roll call.
3. Reading of minutes of previous meeting.
4. Reports of committees.
5. Report of council treasurer.
6. Reading of communications.
7. Unfinished business.
8. New business.
9. Adjournment.

## ARTICLE II — PROPERTY REGULATIONS

It shall be the duty of the community council to pass rules and regulations to prevent unauthorized prospecting or mining of any kind upon the Tuolumne Rancheria and to see that such rules and regulations are properly enforced.

## ARTICLE III — PUBLIC WELFARE

SECTION 1. Community welfare. — (a) The community council shall determine in a careful manner what constitutes just cause for aid or assistance to the indigent members of the band and shall make proper provisions for recommendation to proper agencies of individuals needing relief.

(b) The community council shall designate persons who shall administer welfare work among members of the band, and the solicitation and expenditure of welfare funds shall be conducted in a systematic manner so that the right to do so may not be abused. The community council thereby shall render assistance or aid to the aged, the physically handicapped, and to all others in actual need of assistance.

SECTION 2. Education. — (a) The community council shall encourage and promote among the members of the band by every practical means, a proper system of education for members of all ages in such subjects as home economics, hygiene, child care and training, etc., cooperating with State and Federal departments and agencies which seek to promote such work.

## ARTICLE IV — ORDINANCES AND RESOLUTIONS

SECTION 1. All ordinances and resolutions shall be recorded and available at all times for the information and education of the band.

SECTION 2. Every ordinance shall begin with the words: "Be it enacted by the community council of the Tuolumne Band of Me-wuk Indians,".

SECTION 3. Every resolution shall begin with the words: "Be it resolved by the community council of the Tuolumne Band of Me-wuk Indians,".

## ARTICLE V — RATIFICATION OF CONSTITUTION AND BYLAWS

This constitution and bylaws, when adopted by a majority vote of the voters of the Tuolumne Band of Me-wuk Indians of the Tuolumne rancheria, voting at a special election called by the Secretary of the Interior, in which at least 30 percent of those entitled to vote shall vote, shall be submitted to the Secretary of the Interior for his approval, and shall be in force from the date of such approval.

CERTIFICATION OF ADOPTION

Pursuant to an order, approved November 12, 1935, by the Secretary of the Interior, the attached constitution and bylaws was submitted for ratification to the members of the Tuolumne Band of Me-wuk Indians of the Tuolumne rancheria and was, on December 7, 1935, duly ratified by a vote of 27 for and none against, in an election in which over 30 percent of those entitled to vote cast their ballots, in accordance with section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended by the act of June 15, 1935 (Pub., No. 147, 74th Cong.).

WILLIAM FULLER,
Chairman of Election Board.

RICHARD O. FULLER,
Secretary of Election Board.

ROY NASH,
Superintendent in Charge of the Rancheria.

***

I, Harold L. Ickes, the Secretary of the Interior of the United States of America, by virtue of the authority granted me by the act of June 18, 1934 (48 Stat. 984), as amended, do hereby approve the attached constitution and bylaws of the Tuolumne Band of Me-wuk Indians of the Tuolumne rancheria.

All rules and regulations heretofore promulgated by the Interior Department or by the Office of Indian Affairs, so far as they may be incompatible with any of the provisions of the said constitution or bylaws, are hereby declared inapplicable to the Tuolumne Band of Me-wuk Indians of the Tuolumne rancheria.

All officers and employees of the Interior Department are ordered to abide by the provisions of the said constitution and bylaws.

Approval recommended January 7, 1936.

WILLIAM ZIMMERMAN, JR.,
Assistant Commissioner of Indian Affairs.

HAROLD L. ICKES,
Secretary of the Interior

[SEAL]

Washington, D. C., January 15, 1936.

***

AMENDMENTS — CONSTITUTION AND BY-LAWS FOR THE

TUOLUMNE BAND OF ME-WUK INDIANS OF THE TUOLUMNE RANCHERIA

AMENDMENT I.

1. That the last line of Section I, Article III of the Constitution be amended

to read:

"Thirty-five percent of the eligible voters shall constitute a quorum."

2. That Section 4, Article III of the Constitution be amended to read:

"The general community council shall meet on the third Wednesday of November and April."

3. That the second sentence in Section 5, Article III of the Constitution be deleted in its entirety.

4. That the last line of Section 5, Article III of the Constitution be amended to read:

"Thereafter, officials shall be chosen at the November meeting."

AMENDMENT II.

That an article be added to the Constitution as follows:

"ARTICLE VI— VACANCIES AND REMOVAL FROM OFFICE"

"SECTION 1. Any officer who may resign, die or be removed from office shall be replaced only at a regular election or at a special election of the Community Council.

"SEC. 2. Any officer convicted of a felony or misdemeanor involving dishonesty in any Federal, State or Indian Court, may be removed from office by a majority vote of the eligible voters of the Community Council.

"SEC. 3. The Community Council may, by a majority vote of the eligible voters expel any officer of the Council for neglect of duty or gross misconduct; Provided, That the accused be given an opportunity to answer any and all charges at a designated Council meeting. The decision of the Council shall be final."

***

CERTIFICATION OF ADOPTION

Pursuant to an order, approved April 13, 1940, by the Assistant Secretary of the Interior, the attached Amendments to the Constitution and By-laws of the Tuolumne Band of Me-Wuk Indians of the Tuolumne Rancheria, were submitted for ratification to the qualified voters of the Band, and on May 25, 1940, Amendment No. 1 was adopted by a vote of 21 for, and 1 against, and Amendment No. 2 was adopted by a vote of 21 for, and 1 against in an election in which more than 30 percent of those entitled to vote cast their ballots in accordance with section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended by the Act of June 15, 1935 (49 Stat. 378).

WM. FULLER
Chairman, Tuolumne Community Council.

ROY NASH,
Superintendent, Sacramento Agency.

***

I, Oscar L. Chapman, the Assistant Secretary of the Interior of the United States of America, by virtue of the authority granted me by the Act of June 18 1934 (48 Stat. 984), as amended, do hereby approve the attached Amendments to the Constitution and By-laws of the Tuolumne Band of Me-Wuk Indians of the Tuolumne Rancheria.

Approval recommended: July 10, 1940.

F. H. DAIKER,
Assistant to the Commissioner.

OSCAR L. CHAPMAN,
Assistant Secretary.

[SEAL]

Washington, D.C., July 12, 1940.

***

# ARTICLES OF ASSOCIATION OF THE FORT INDEPENDENCE INDIAN COMMUNITY, CALIFORNIA (PAIUTE)

Ratified Jan. 9, 1965

## PREAMBLE

We, the people of the Fort Independence Reservation, in order to form a better community government, exercise rights and responsibilities and promote the welfare of the people, do hereby adopt the following Articles of Association.

## ARTICLE I — TERRITORY

The jurisdiction of this organization shall extend to the land now and hereafter comprised within the Fort Independence Reservation.

## ARTICLE II — MEMBERSHIP

SECTION 1. The membership of the Fort Independence Community shall consist of:

(a) All Fort Independence allottees who are living on the date of adoption of these Articles of Association, and

(b) All living blood line descendants of Fort Independence allottees, regardless of whether the allottees are living or deceased, provided such descendants possess at least 1/16 degree Indian blood.

SECTION 2. A person, or his descendants, who has been allotted on another reservation or is officially enrolled with or is a recognized member of some other tribe or band shall not be enrolled. A."recognized member of another tribe or band" is a person whose name is listed on the census roll of another tribe or band, or has received a land use assignment on another reservation.

SECTION 3. The official membership roll shall be prepared in accordance with an ordinance adopted by the general council and approved by the Commissioner of Indian Affairs or his authorized representative. Such ordinance shall contain provisions for enrollment procedures, enrollment committee, application form, approval or disapproval of application, rejection notice, appeals, and provisions for keeping the roll on a current basis.

## ARTICLE III — GOVERNMENT BODY

SECTION 1. The governing body of the Community shall be the General Council which shall consist of all members twenty-one (21) years of age or older. Each adult member of the General Council is also a qualified voter.

SECTION 2. The General Council shall elect from its membership, by secret ballot, a Chairman, a Vice-Chairman and a Secretary-Treasurer who shall constitute a Business Committee which is empowered to represent the Community in all negotiations with local, State and Federal governments or agencies; Provided, That the Business Committee shall not commit the Community in any contract, lease or other arrangements unless specifically authorized by resolution of the General Council.

SECTION 3. The first election of officers shall be held at the January meeting of the General Council following the approval of these Articles of Association by the Commissioner of Indian Affairs. Thereafter, terms of office shall be for two years or until successors are elected. Any member, twenty-one (21) years of age or older, shall, if duly nominated and elected, have the right to hold office. Nominations shall be from the floor at a General Council meeting held specifically for that purpose at least thirty (30) days before the election. The officers elected at the election preceding the approval of these Articles of Association shall remain in office until the next election.

SECTION 4. The candidates receiving the highest number of votes for their respective offices shall be declared elected.

SECTION 5. All elections, whether for office or referendum, shall be conducted in accordance with an ordinance, or ordinances, adopted by the General Council which shall provide for the dates thereof, the polling places, election committees and their duties, absentee balloting and such other procedures as are deemed necessary to provide a democratic election.

SECTION 6. Meetings of the General Council shall be held on the first Wednesday of each month. Special meetings may be called at any time by the Chairman or a majority of the members.

SECTION 7. Thirty percent (30%) of the qualified voters shall constitute a quorum and no business shall be conducted in the absence of a quorum.

## ARTICLE IV — VACANCIES AND RECALL

SECTION 1. If an officer shall die, resign, or be recalled from his office or be found guilty of a felony in any State or Federal Court, the office shall be automatically vacated.

SECTION 2. Upon receipt of a petition signed by thirty percent (30%) of the qualified voters requesting the recall of an officer, the Business Committee shall call a special election within thirty (30) days. The accused official shall be given a written statement of all charges filed against him at least ten (10) days before such election at which he is to appear and he shall be given a fair opportunity to answer any and all written charges.

A majority of those voting in such recall election shall govern, provided that at least 50 percent of the eligible voters shall vote in the election.

SECTION 3. Any office which was vacated shall be filled by the General Council at its next meeting and such replacement shall serve the unexpired term of office.

## ARTICLE V — POWERS OF THE GOVERNING BODY

SECTION 1. The General Council shall have the powers and responsibilities hereinafter provided, subject to any limitation imposed by the statues or the Constitution of the United States.

A. To negotiate with Federal, State, and local governments and to advise and consult with representatives of the Bureau of Indian Affairs on all activities of the Bureau as they may affect the Community.

B. To employ legal counsel, the choice of counsel and fixing of fees to be subject to the approval of the Secretary of the Interior or his authorized representative.

C. To veto any sale, disposition, lease or encumbrance of reservation lands, interests in lands, or other assets of the Community made by any authority other than the General Council.

D. To establish rules or procedures for the conduct of its affairs. The following powers shall be set forth in ordinances or resolutions passed by the General Council and approved by the Commissioner of Indian Affairs.

E. To make assignments of reservation lands and to lease reservation lands.

F. To administer Community assets and to manage all economic affairs and enterprises of the Community.

G. To acquire property and to accept gifts.

H. To borrow money and pledge the assets of the Community.

I. To assess fees for payment of expenses of the Community.

J. To control future membership, loss of membership and the adoption of members.

K. To delegate any of its authorities or responsibilities to the Business Committee or any other committee which it might establish.

SECTION 2. Any rights and powers heretofore vested in the General Council, but not expressly referred to in this Article, shall not be lost by reason of their omission but may be exercised through the adoption of appropriate bylaws or amendments.

## ARTICLE VI — AMENDMENTS

Amendments to these Articles of Association may be proposed by a majority vote of the Community and be ratified and approved in the same manner as these Articles of Association.

# BYLAWS OF THE FORT INDEPENDENCE INDIAN COMMUNITY OF THE FORT INDEPENDENCE RESERVATION

## ARTICLE I — DUTIES OF OFFICERS

SECTION 1. The Chairman shall preside at all meetings of the General Council and the Business Committee. He shall execute on behalf of the Community all contracts, leases or other documents approved by the General Council. He shall have general supervision of all other officers, employees and committees of the Community and see that their duties are properly performed. When neither the General Council nor the Business Committee is in session, he shall be the official representative of the Community. The Chairman shall vote only in the case of a tie vote at General Council meetings.

SECTION 2. The Vice-Chairman in the absence of the Chairman shall have the power and authority of the Chairman and may, if authorized by the Chairman, assist the Chairman in the performance of his duties.

SECTION 3. The Secretary-Treasurer shall keep the minutes of all General Council meetings and shall certify the enactment of all resolutions and ordinances. He shall attend to the giving of all notices required by the Articles of Association and shall receive all petitions provided for in the Articles on behalf of the General Council. Copies of all minutes, resolutions or other enactments shall be submitted to the Bureau of Indian Affairs as soon after enactment as possible. He shall have care and custody of all valuables of the reservation. He shall carry out the financial directives of the General Council, receive all local monies of the Community and keep an accurate account of receipts and disbursements. Funds shall be deposited in a Community account in a local bank selected by the General Council where depositor's funds are insured by Federal Deposit Insurance Corporation. All disbursements shall be made by check in accordance with resolutions of the General Council. He shall file a bond satisfactory to the General Council and the Commissioner of Indian Affairs when either are of the opinion sufficient funds have accumulated in the Community treasury. The General Council shall authorize payment of the annual bond premium from the local Community funds. The Secretary-Treasurer shall give a financial report at all General Council meetings and all financial records shall be available for inspection by officers of the General Council, members of the Community and representatives of the Bureau of Indian Affairs.

## ARTICLE II — ADOPTION

These Articles of Association, when adopted by a majority vote of the adult Indians of the Fort Independence Reservation, voting at a special election in which at least thirty percent (30%) of those entitled to vote shall vote, shall be submitted to the Comissioner of Indian Affairs for his approval and shall be effective from the date of such approval.

***

CERTIFICATION OF ADOPTION

We, the undersigned, duly elected officials of the Fort Independence Executive Committee, do hereby certify that the foregoing Articles of Association were adopted by members of the Fort Independence Indian Community at a duly called general meeting on January 9, 1965, by a vote of 40 FOR and 5 AGAINST.

VERNON J. MILLER,
President.

HAROLD D. BUFF,
Vice President.

PEARL A. WILLIAMS,
Secretary-Treasurer.

Approval Recommended:

LEONARD M. HILL
Area Director, Sacramento Area Office
Bureau of Indian Affairs

Date: January 20, 1965

Election Committee

S/ Irvin R. Miller
S/ LaVerne David
S/ Eleanor J. Bowers

Approved:

JAMES E. OFFICER
Associate Commissioner of Indian Affairs

Date: May 7, 1965.

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# CONSTITUTION AND BY-LAWS FOR THE ME-WUK INDIAN COMMUNITY OF THE WILTON RANCHERIA, CALIFORNIA

Approved January 15, 1936

## PREAMBLE

We, the people of the Wilton Rancheria in Sacramento County, in order to establish a legal rancheria organization and secure certain privileges and powers offered to us by the Indian Reorganization Act, do ordain and establish this constitution and by-laws for the Me-wuk Indian Community of the Wilton Rancheria.

## ARTICLE I — TERRITORY

The jurisdiction of the Me-wuk Indian Community of the Wilton Rancheria shall extend to the territory within the confines of the Rancheria, and to such other lands as may hereafter be added thereto under any law of the United States, except as otherwise provided by law.

## ARTICLE II — MEMBERSHIP

SECTION 1. The membership of the Me-wuk Indian Community of the Wilton Rancheria shall consist of —

(a) All persons of Indian blood whose names appear on the official census rolls of the community as of April 1, 1935.

(b) All children born to any member of the community who is a resident of the rancheria at the time of the birth of said children.

The community council shall have the power to promulgate ordinances, subject to review by the Secretary of the Interior, covering future membership and the adoption of new members, when the resources of the rancheria make such adoptions feasible.

## ARTICLE III — GOVERNING BODY

SECTION 1. The governing body of the Me-wuk Indian Community of the Wilton Rancheria shall be the community council which shall be composed of all the qualified voters of the Wilton Rancheria. A majority of the eligible voters shall constitute a quorum.

SEC. 2. All enrolled members of the Me-wuk Indian Community of the Wilton Rancheria who are 21 years of age or over, and who have maintained legal residence on the rancheria for a period of one year immediately prior to any election, are qualified voters at such election. Such residence, however, shall not be required as a qualification for voting upon amendments to the constitution and attached by-laws.

SEC. 3. The community council shall elect from its own members, by secret ballot, (a) chairman, (b) vice chairman, (c) secretary, (d) treasurer, (e) and such other officers and committees as may be deemed necessary.

SEC. 4. The community council shall meet on the first Monday of January and July.

SEC. 5. Within thirty days after the ratification and approval of this constitution and by-laws, a community council meeting shall be held for the purpose of electing the officers named herein, and it may transact such other business as may be necessary. The officers elected at this meeting shall serve until the July meeting, at which time their successors shall be chosen. Thereafter, officials shall be chosen at the July meeting.

SEC. 6. The chairman, or 25 percent of the qualified voters, may, by written notice, call special meetings of the community council.

SEC. 7. The business committee shall consist of the chairman, secretary, and treasurer of the community council, and shall perform such duties as may be authorized by that council.

## ARTICLE IV — POWERS OF THE COMMUNITY COUNCIL

SECTION 1. Enumerated powers.—The community council of the rancheria shall exercise the following powers, subject to any limitations imposed by the statutes or the Constitution of the United States:

(a) To negotiate with the Federal, State, and local governments.

(b) To employ legal counsel, the choice of counsel and fixing of fees to be subject to the approval of the Secretary of the Interior.

(c) To veto any sale, disposition, lease, or encumbrance of tribal lands, interests in lands, or other tribal assets of the community.

(d) To advise the Secretary of the Interior with regard to all appropriation estimates for Federal projects for the benefit of the Me-wuk Indian Community of the Wilton Rancheria prior to the submission of such estimates to the Bureau of the Budget and to Congress.

(e) To manage all economic affairs and enterprises of the Me-wuk Indian Community of the Wilton Rancheria in accordance with the terms of a charter that may be issued to the community by the Secretary of the Interior.

(f) To promulgate and enforce ordinances, which shall be subject to review by the Secretary of the Interior, governing the conduct of members of the Me-wuk Indian Community of the Wilton Rancheria, providing for the manner of making, holding, and revoking assignments of tribal land or interests therein, providing for the levying of taxes and the appropriation of available tribal funds for public purposes, providing for the licensing of non-members coming upon the rancheria for the purposes of hunting, fishing, trading, or other business, and for the exclusion from the territory of the community of persons not so licensed, and establishing proper agencies for the enforcement of such ordinances upon the Wilton Rancheria.

(g) To charter subordinate organizations for economic purposes and to delegate to such organizations, or to any subordinate boards or officials of the community any of the foregoing powers, reserving the right to review any action taken by virtue of such delegated power.

(h) To adopt resolutions not inconsistent with this constitution and by-laws, regulating the procedure of the community council itself and of other tribal agencies, tribal officers, or tribal orgainzations of the Wilton Rancheria, and exercising such duties as are conferred upon the community council by the attached by-laws.

SEC. 2. Future powers.—The community council may exercise such further powers as may in the future be delegated to the council by members of the community or by the Secretary of the Interior or any other duly authorized official or agency of the State or Federal Government.

SEC. 3. Reserved powers.—Any rights and powers heretofore vested in the Me-wuk Indian Community of the Wilton Rancheria but not expressly referred to in this constitution shall not be abridged by this article, but may be exercised by the people of the Me-wuk Indian Community of the Wilton Rancheria through the adoption of appropriate by-laws and constitutional amendments.

SEC. 4. Manner of review.—Any resolution or ordinance which by the terms of this constitution is subject to review by the Secretary of the Interior shall be presented to the superintendent in charge of the rancheria, who shall, within ten days thereafter, approve or disapprove the same.

If the superintendent shall approve any ordinance or resolution, it shall thereupon become effective, but the superintendent shall transmit a copy of the same, bearing his endorsement, to the Secretary of the Interior, who may, within 90 days from the date of enactment, rescind the said ordinance or resolution for any cause, by notifying the community council of such decision.

If the superintendent shall refuse to approve any ordinance or resolution submitted to him within ten days after its enactment he shall advise the community council insufficient, it may, by a majority vote, refer the ordinance or resolution to the Secretary of the Interior, who may, within 90 days from the date of its enactment, approve the same in writing, whereupon the said ordinance or resolution shall become effective.

## ARTICLE V — AMENDMENTS

SECTION 1. This constitution and by-laws may be amended by a majority vote of the qualified voters of the community voting at an election called for that purpose by the Secretary of the Interior, provided that at least 30 percent of those entitled to vote shall vote in such election; but no amendment shall become effective until it shall have been approved by the Secretary of the Interior.

SEC. 2. At any regular or special community council meeting amendments to this constitution and by-laws may be proposed, to be acted upon at the next semiannual community council meeting. If approved by a majority vote at such meeting the proposed amendment shall be submitted to the Secretary of the Interior, who shall thereupon call an election upon the proposed amendment.

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BY-LAWS FOR THE ME-WUK INDIAN COMMUNITY OF

THE WILTON RANCHERIA

ARTICLE I — DUTIES OF OFFICERS

SECTION 1. Each officer elected or appointed hereunder shall take an oath of office prior to assuming the duties thereof, by which oath he shall pledge himself to support and defend the Constitution of the United States and this constitution and by-laws.

Oath: I, _____ _____, do solemnly swear that I will support and defend the Constitution of the United States against all enemies; that I will carry out, faithfully and impartially, the duties of my office to the best of my ability; that I will cooperate, promote, and protect the best interests of my community in accordance with this constitution and by-laws.

SEC. 2. It shall be the duty of the community council and each member thereof to promote the general welfare of the members of this community and to carry out the provisions and purposes of this constitution and by-laws.

SEC. 3. It shall be the duty of the chairman to preside over all meetings of the community council and to carry out all orders of the council. All members of the council and all subordinate officers shall assist the chairman in all proper ways to carry out the orders of the council.

SEC. 4. The council secretary shall keep a full report of all proceedings of each regular and special meeting of the community council and of the business committee, and shall perform such other duties of like nature as the community council shall from time to time by resolution provide, and shall transmit copies of the minutes of each meeting to the superintendent in charge of the rancheria.

SEC. 5. The council treasurer shall be the custodian of all moneys which may come under the jurisdiction or into the control of the community council. He shall pay out money in accordance with the orders and resolutions of the council. He shall keep account of all receipts and disbursements and shall report the same to the council at each regular meeting. He shall be bonded in such an amount as the council may by resolution, approved by the Commissioner of Indian Affairs, provide. The books of the council treasurer shall be subject to audit or inspection at the direction of the council, or the Commissioner of Indian Affairs. Until the treasurer is bonded, the business committee may make such provision for the custody and disbursement of funds as shall guarantee their safety and proper disbursement and use.

SEC. 6. The subordinate officers of the community council shall perform such duties as the council may from time to time provide by resolution.

SEC. 7. The order of business at any regular or special meeting of the council shall be as follows:

1. Council called to order.
2. Roll call.
3. Reading of minutes of previous meeting.

4. Reports of committees.
5. Report of the council treasurer.
6. Reading of communications.
7. Unfinished business.
8. New business.
9. Adjournment.

ARTICLE II -- RATIFICATION OF CONSTITUTION AND BY-LAWS

This constitution and by-laws, when adopted by a majority vote of the adult Indians residing on the Wilton Rancheria, voting at a special election called by the Secretary of the Interior, in which at least 30 percent of those entitled to vote shall vote, shall be submitted to the Secretary of the Interior for his approval, and shall be effective from the date of such approval.

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CERTIFICATION OF ADOPTION

Pursuant to an order, approved November 6, 1935, by the Secretary of the Interior, the attached constitution and by-laws was submitted for ratification to the adult Indians residing on the Wilton Rancheria and was on December 7, 1935, duly ratified by a vote of 11 for and 0 against, in an election in which over 30 percent of those entitled to vote cast their ballots, in accordance with section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended by the act of June 15, 1935 (Pub., No. 147, 74th Cong.).

CHARLES McKEAN,
Chairman of Election Board.

ADA MADRIGAL,
Secretary of Election Board.

ROY NASH,
Superintendent on charge of the Rancheria.

I, Harold L. Ickes, the Secretary of the Interior of the United States of America, by virtue of the authority granted me by the act of June 18, 1934 (48 Stat. 984), as amended, do hereby approve the attached constitution and by-laws of the Me-wuk Indian Community of the Wilton Rancheria.

All rules and regulations heretofore promulgated by the Interior Department or by the Office of Indian Affairs, so far as they may be incompatible with any of the provisions of the said constitution or by-laws are hereby declared inapplicable to the Me-wuk Indian Community of the Wilton Rancheria.

All officers and employees of the Interior Department are ordered to abide by the provisions of the said constitution and by-laws.

Approval recommended January 7, 1936.

WILLIAM ZIMMERMAN, JR.,
Assistant Commissioner of Indian Affaris,

HAROLD L. ICKES,
Secretary of the Interior.

[SEAL]

WASHINGTON, D.C., January 15, 1936.

***

AMENDMENTS, CONSTITUTION AND BY-LAWS FOR THE

ME-WUK INDIAN COMMUNITY OF THE WILTON RANCHERIA

AMENDMENT I.

1. That Section 4, Article III of the Constitution be amended to read:

"The general community council shall meet on the third Tuesday of November and April".

2. That the second sentence of Section 5, Article III of the Constitution be deleted in its entirely.

3. That the last line of Section 5, Article III of the Constitution be amended to read:

"Thereafter, officials shall be chosen at the November meeting."

AMENDMENT II.

That an article be added to the Constitution as follows:

"ARTICLE VI — VACANCIES AND REMOVAL FROM OFFICE

"SECTION 1. Any officer who may resign, die or be removed from office shall be replaced only at a regular election or at a special election of the Community Council.

"SEC. 2. Any officer convicted of a felony or misdemeanor involving dishonesty in any Federal, State or Indian Court may be removed from office by a majority vote of the eligible voters of the Community Council.

"SEC. 3. The Community Council may, by a majority vote of the eligible voters, expel any officer of the Council for neglect of duty or gross misconduct; Provided, That the accused shall be given an opportunity to answer any and all charges at a designated Council meeting. The decision of the Council shall be final."

***

CERTIFICATION OF ADOPTION

Pursuant to an order, approved April 13, 1940, by the Assistant Secretary of the

Interior, the attached Amendments to the Constitution and By-laws for the Me-wuk Indian Community of the Wilton Rancheria were submitted for ratification to the qualified voters of the Community, and on May, 23, 1940, Amendment I was adopted by a vote of 11 for, and none against, and Amendment II was adopted by a vote of 11 for, and none against, in an election in which more than 30 percent of those entitled to vote cast their ballots in accordance with Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended by the Act of June 15, 1935 (49 Stat. 378).

CHARLES J. McKEAN, JR.,
Chairman, Community Council

EDITH WILLIAMS,
Secretary, Community Council

ROY NASH,
Superintendent, Sacramento Agency.

I, Oscar L. Chapman, the Assistant Secretary of the Interior of the United States of America, by virtue of the authority granted me by the Act of June 18, 1934 (48 Stat. 984), as amended, do hereby approve the attached Amendments to the Constitution and By-laws of the Me-wuk Indian Community of the Wilton Rancheria.

Approval recommended: July 10, 1940.

F. H. DAIKER,
Assistant to the Commissioner.

OSCAR L. CHAPMAN,
Assistant Secretary.

WASHINGTON, D.C., July 12, 1940. [SEAL]

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# CONSTITUTION AND BY-LAWS OF THE AGUA CALIENTE BAND OF MISSION INDIANS, CALIFORNIA

Adopted June 28, 1955
Amended February 26, 1957

## ARTICLE I — NAME

The name of this organization shall be the Agua Caliente Band of Mission Indians since that name has prevailed as the name of said Band from time immemorial.

## ARTICLE II — TERRITORY

The jurisdiction of the Agua Caliente Band of Mission Indians shall extend to the territory within the boundaires of the Agua Caliente Indian Reservation as heretofore designated and to any other lands which may hereafter be added.

## ARTICLE III — MEMBERSHIP

SECTION 1. The membership of the Agua Caliente Band of Mission Indians shall consist of all persons whose names appear on the last official per capita payroll of June 1954, and children born to such members as issue of a legal marriage, provided such children shall possess at least 1/8 degree of Indian blood.

SEC. 2. No new members may be adopted.

## ARTICLE IV — GOVERNING BODY

SECTION 1. The governing body of the Agua Caliente Band of Mission Indians shall be known as the Tribal Council (formerly designated as the Tribal Committee) and shall be comprised of five members consisting of three officers, namely; the Chairman, Vice-Chairman, Secretary and two additional members.

SEC. 2. Effective beginning with the next election after the adoption of this constitution, the members of the Tribal Council shall be elected in the following manner:

(a) Officers shall be elected for a term of two years; the Chairman to be elected during the even year, the Vice-Chairman and Secretary to be elected during the following odd year.

(b) The other members shall be elected for a term of one year.

(c) Elections shall take place on March 15, at which time the Secretary shall call the election. Elections shall be by secret ballot and absentee ballots shall be used by members who cannot be present to cast their ballots at the place on the Reservation where, and at the time when the election is held.

(d) All enrolled members of the Agua Caliente Band of Mission Indians who are 21 years of age and over are qualified voters at all elections even after their allotted lands have been sold or fee patented.

(e) The Council shall select election officers and tellers who shall have the duty of reporting certified election results to the Tribal Secretary for recording of the same and announcement to all the members of the Band.

(f) Members of the Council shall continue to serve in their official capacity until their successors are duly elected, qualified and installed.

SEC. 3. The Tribal Council shall hold regular meetings on the first and third Tuesday of each month between the months of October and May, and the first Tuesday of each month between the months of June and September. Special meetings may be called by the Chairman or Vice-Chairman upon five days notice.

SEC. 4. A quorum shall consist of three-fifths of the membership of the Tribal Council.

SEC. 5. Meetings of the Tribal Council shall be conducted in an orderly manner pursuant to Robert's Rules of Order when the procedure is not specifically designated in these by-laws. The order of business shall be as follows:

1. Call to order.
2. Reading of minutes of the last meeting.
3. Unfinished business.
4. Tribal reports, accounts,
5. Indian Bureau reports, statements and accounts.
6. Applications, petitions and claims.
7. Other new business.
8. Announcements.
9. Adjournment.

SEC. 6. The duties of the officers of the Tribal Council shall be as follows:

(a) The Chairman of the Tribal Council shall preside over all meetings of the Council and of the Band. He shall exercise in addition thereto any other authority vested in him by the Council to advance the interests of the Band.

(b) The Vice-Chairman shall assist the Chairman, and, in the absence of the Chairman, he shall assume the duties of the office of Chairman.

(c) The Secretary shall keep all records of the Council, including a permanent file of the minutes of all meetings. The Secretary shall make the same available at all times for the inspection of the other members of the Council and of the Agua Caliente Band. The Secretary shall also make regular reports to the Band at the annual and special meetings, of business transacted by the Council, and shall perform all the other customary duties of a Secretary concerning the affairs, property and correspondence of the Band. All correspondence prepared on behalf of and approved by the Tribal Council may be signed by the Secretary.

(d) Committees may be appointed by the Tribal Council for specific purposes and their duties shall be clearly designated by resolution at the time of their creation. Such committees shall report as required to the Tribal Council at its regular meetings.

SEC. 7. At the next regular meeting after the annual election, the Council shall appoint two enrolled adult members of the Agua Caliente Band of Mission Indians to

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serve as proxies for a period of one year. Upon the request of a member who is unable to be present at a meeting of the Tribal Council, a proxy may act as his substitute to attend any regular or special meeting of the Council.

SEC. 8. Meetings of the Tribal Council shall be open to enrolled members of the Agua Caliente Band of Mission Indians unless an executive session of the Council has been called by the Chairman. Otherwise only members of the Council, representatives of the Bureau of Indian Affairs, and guests invited by the Council may be present at such meetings.

SEC. 9. Members of the Council who miss three consecutive meetings without an excuse deemed sufficient by a majority of the Council, shall be considered to have voluntarily resigned from the Council. The vacancy created thereby shall be filled at the next regular meeting of the Council by the election of a new member agreed upon by at least three-fourths of the remaining members of the Tribal Council. The term of the newly elected member shall run for the balance of the term of the member who resigned.

SEC. 10. Members of the Tribal Council may be suspended or dismissed if they are guilty of misconduct or a violation of the provisions herein specified. Before a vote to expel a member is taken, he shall be given a written statement of the charges against him at least five days before the meeting before which he is to appear, and an opportuntiy to answer any and all charges shall be given to him at a regular meeting of the Council. Such suspension or dismissal must be voted on at a meeting where at least four-fifths of the membership of the Council are present and suspension or dismissal shall require a four-fifths vote in order to be effective. This procedure need not be followed in connection with voluntary resignations pursuant to Article IV (9) hereunder.

SEC. 11. Upon receipt of a petition signed by one-half of the eligible voters calling for the recall of any member of the Council, it shall be the duty of the chairman to call an election upon said petition. At least 1/2 of the eligible voters must vote in the election. To carry a recall into effect a 3/5 majority is required.

SEC. 12. One room in the Tribal office shall be set aside for the purposes of the Tribal Council.

## ARTICLE V -- POWERS OF THE TRIBAL COUNCIL

Subject to all applicable statutes and regulation, the Tribal Council shall exercise the following powers:

SECTION 1. To administer the affairs and manage the business of the Band; to regulate the uses and disposition of tribal property; to protect and preserve the Tribal property, including wildlife and natural resources, and the rights of its members; to cultivate Indian arts, crafts and culture; to administer charity; and to protect the security and general welfare of the Band and its members.

SEC. 2. To regulate the procedures of the Tribal Council and of other tribal agencies; to enact ordinances and resolutions pertaining to tribal affairs and to take all proper means to enforce the same.

SEC. 3. To employ legal counsel, the choice of counsel and the fixing of fees to be subject to the approval of the Secretary of the Interior or his authorized representatives; and to obtain legal services from the Federal Government in connection

with its trust responsibility over tribal affairs, including litigation, legislation and any other matters concerning tribal property or the members of the Band.

SEC. 4. To recommend by appropriate resolution the expenditure of any tribal funds held in the Treasury of the United States, and to expend any tribal funds within the exclusive control of the Band. Monthly per capita payments shall be maintained or increased to the extent consistent with the maintenance of a sound tribal budget.

SEC. 5. To obtain financial reports, statements and audits of all tribal funds under the supervision and custody of the Federal Government.

SEC. 6. To manage, repair, rebuild, remodel or reconstruct all tribal property, including tribal office buildings, mineral springs, bath house, Palm Canyon buildings and tollgate house, and to manage, lease, or otherwise operate tribal properties; to set aside, reserve and designate tribal property for use as parks, schools, public buildings, tribal monuments, churches and hospitals.

SEC. 7. To plan, construct, repair, and otherwise manage streets, highways, flood control and other utilities on tribal property.

SEC. 8. To confer with and advise the secretary of the Interior with regard to all appropriation items on behalf of Indian welfare, health, education, loans to Indians for home construction, highways, flood control and the development of resources and cultural advancement.

SEC. 9. To promulgate and enforce assessments or permit fees upon non-members doing business and obtaining special privileges on the Agua Caliente Reservation, including the privilege of fishing, amusements, games, explorations, camps, and mining, including the preparation of a schedule of rents for the use of tribal property.

SEC. 10. To confer and consult with the Secretary of the Interior or his authorized representative concerning the employment, including the fixing of salaries, of all persons paid from tribal funds, and to give preference in employment to members of the Agua Caliente Band and their relatives, and in accordance with 25 U.S.C 48, to take over complete responsibility for this function.

SEC. 11. By ordinance to exclude from the Tribal land non-Indian persons not legally entitled to be thereon and who are deemed to be objectionable, such ordinance to be subject to the approval of the Secretary of the Interior or his authorized representative.

SEC. 12. To negotiate with the Federal, State and local governments on behalf of the Band and obtain advice and opinions from representatives of any such governmental units on matters relating to the jurisdiction of the particular governmental unit involved and which concern the status of the Band and its property, such as matters of taxation, the application of State, civil and criminal laws, and annexation of tribal lands to the City of Palm Springs.

## ARTICLE VI — INHERENT POWERS

Any rights and powers heretofore vested in the Agua Caliente Band of Mission Indians not expressly referred to in this Constitution and By-laws shall not be abridged and may be exercised by the general membership in meetings called for that purpose either by the Chairman of the Tribal Council or by petition signed by at least 15 voters of the Band. At such meetings a quorum shall consist of three-fifths

of the adult members of the Band.

ARTICLE VII — TRIBAL MEETINGS

There shall be one regular annual tribal meeting held on March 15. Special meetings may be called by the Chairman with notice thereof sent to the members of the Band at least five days prior to the meeting specifying the purpose for which the meeting is being called.

ARTICLE VIII — ADOPTION AND AMENDMENTS

This Constitution and By-laws shall be in full force and effect when adopted by a majority vote of the duly qualified members of the Agua Caliente Band of Mission Indians at the annual election or at any special election called for that purpose. Written notice specifying the purpose of the election shall be mailed to each member of the Band at least five days prior to said election. Amendments to the Constitution and By-laws may be made in the same manner.

ARTICLE IX — REPEAL

If adopted, this Constitution and By-laws repeals all former laws and ordinances in conflict with this Constitution and By-laws.

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On June 28, 1955, the attached Constitution and By-laws was duly adopted by vote of 11 for and 9 against in an election held by the members of the Agua Caliente Band of Mission Indians and was duly amended in the same manner in an election held on February 26, 1957.

APPROVED: GLENN L. EMMONS,
Commissioner of Indian Affairs

DATE: April 18, 1957.

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# CONSTITUTION AND BY-LAWS OF THE MISSION CREEK BAND OF INDIANS, MISSION CREEK RESERVATION MISSION CREEK, CALIFORNIA

Approved February 4, 1960

## PREAMBLE

We, the members of the Mission Creek Band of Indians on the Mission Creek Reservation at Mission Creek, California, do hereby form and establish the Mission Creek Band whose object shall be to establish justice, insure tranquility, and promote the general welfare of the Mission Creek Band and its members and to do all things necessary to secure for the Band economic independence and a richer culture.

## ARTICLE I — JURISDICTION AND MEMBERSHIP

SECTION 1. The jurisdiction of the Mission Creek Band shall extend to the land now and hereafter comprised within the Mission Creek Reservation, and its membership shall consist of:

(a) All persons whose names appear on the Mission Creek allotment roll approved by the Secretary of the Interior on September 12, 1928, who are living at the date of the adoption of this constitution, and

(b) All descendants of allottees of the aforesaid roll provided they are possessed of at least 1/16 degree Indian blood.

SEC. 2. An applicant for enrollment who has been allotted on another reservation or is officially enrolled with or is a recognized member of some other tribe or band shall not be enrolled, nor shall the descendants of such person be eligible for enrollment. A "recognized member of another tribe or band" is a person whose name is listed on the census roll of another tribe or band.

SEC. 3. The Band Council shall have the power to promulgate ordinances, subject to approval of the Secretary of the Interior or his authorized representative, governing future membership, loss of membership, and the adoption of members into the Band.

## ARTICLE II — ORGANIZATION OF BAND COUNCIL

SECTION 1. The government of the Mission Creek Band shall be conducted by a Band Council composed of five members 21 years of age or over who shall be elected to office by popular vote. Council members shall each serve for a term of four years from the date of their installation and until their successors are duly installed in office but in the first election, the two successful candidates receiving the least number of votes shall only serve for a term of two years and until their successors are duly installed in office. Elections to fill the office of those members whose terms are expiring shall be held every two years. Such election shall be conducted through ballots handed to or sent by registered mail to each adult member of the Band thirty (30) days prior to the election date which shall be the day the term of office expires and be returned by hand or mail to the Secretary-Treasurer at least

ten (10) days before such date. In the case of death, mental incompetency, felony conviction, or resignation of a council member, the President may appoint someone to serve out the unexpired term of such council member.

SEC. 2. Each member of the band having attained 21 years of age shall be entitled to cast his vote for members of the Band Council and the five candidates receiving the highest number of votes shall be declared elected.

SEC. 3. The first election of the Band Council shall be held within sixty (60) days after the ratification and approval of this constitution and by-laws and shall be supervised by the present constitutional committee.

SEC. 4. Immediately after the election of the members of this Band Council, it shall meet and elect from its membership a president, vice-president, and a secretary-treasurer, and may appoint such other committees and employees as may be necessary.

## ARTICLE III — POWERS OF THE BAND COUNCIL

SECTION 1. Subject to the limitations imposed by this constitution and the applicable laws of the United States of America, the State of California, or any political subdivisions thereof, the Band Council shall have the following powers:

(a) To enter into contracts with individuals, associations, partnerships, or corporations in behalf of the Band.

(b) To negotiate with Federal, State, and local governments on behalf of the Band.

(c) To present and prosecute or to assist in presenting and prosecuting any claims and demands of the Band or its members.

(d) To exercise such further powers as may be given to the Band Council by duly authorized officials or agencies of the Government by appropriate amendment of this constitution.

Subject to the approval of the Secretary of the Interior or his duly authorized representative, so long as such approval is required by law:

(e) To employ legal counsel and fix his fees.

(f) To lease land of the Band.

(g) To use any land of the band for public purposes or to lease the same, the proceeds therefrom to be deposited in the United States Treasury to the credit of the Band.

(h) To control and regulate all water originating on the reservation including that used for irrigation or domestic purposes, and to cause to be constructed all necessary water wells, ditches, pipelines, or other needed improvements therefor, and to have the right to enter upon all land for such purposes and to keep the same in repair and the water flowing and to do all things necessary with respect thereto.

SEC. 2. The foregoing enumeration of powers shall not be construed to limit the powers of the Band and all powers not expressly entrusted to the Band Council shall

be entrusted to the Band Council shall be reserved to the members of the Band and may be exercised through the adoption of appropriate amendments to this Constitution and By-laws.

ARTICLE IV — INITIATIVE, REFERENDUM, AND RECALL

A general council meeting of the Band which must be summoned by the Band Council within thirty (30) days after receipt of a petition therefore signed by 50 percent of the eligible voters shall have the following powers:

(a) To initiate legislation, rules, and regulations.

(b) To recall any member of the Council and to elect a substitute member in his place.

ARTICLE V — AMENDMENTS

This constitution and the appended by-laws may be amended by a majority vote of the qualified voters of the Band voting in an election called for that purpose by the Secretary of the Interior or the President of the Band, but no amendment shall become effective until it shall have been approved by the Secretary of the Interior. It shall be the duty of the Secretary of the Interior to call an election on any proposed amendment upon receipt of a petition signed by one-third or more of the qualified voters of the Band.

ARTICLE VI — BAND TERMINATION

Nothing contained in this Constitution shall operate to delay or prevent termination of Federal Trust responsibilities with respect to the trust properites contained in the Mission Creek Reservation. In the event of such termination, all powers, duties, or other functions of the Secretary of the Interior or his duly authorized representative shall terminate.

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BY-LAWS

ARTICLE I — DUTIES OF OFFICERS

SECTION 1. It shall be the duty of the President to preside at all meetings of the Band or General Council and see to it that all other officers perform the duties of their offices.

SEC. 2. The Vice-President shall preside in the absence of the President. When so presiding, he shall have all the rights, privileges, and duties as well as the responsibilities of the President.

SEC. 3. In order to insure the greatest measure of competency and efficiency, it shall be the first duty of the Band Council to select a Secretary-Treasurer to the Mission Creek Band. Such selection shall be made upon the basis of the candidate's qualifications.

It shall be the duty of the Secretary-Treasurer to keep a true record of all

matters affecting the tribal records and accounts, and to render proper accounting of such records and statistics as are required by the Band Council. He shall also be present at all meetings of the Council and shall keep an accurate record of all council proceedings. He shall also accept, receive, receipt for, preserve, and safeguard all funds in the custody of the Council, whether same be Band funds or special funds for which the Council is acting as trustee or custodian. He shall deposit all such funds in such bank or elsewhere as directed by the Council, and shall make and preserve a true record of such funds and shall report on all receipts and expenditures and the amount and nature of all funds in his possession or custody at least once each six (6) months, such report being made in writing to the Council. He shall make a report of any and all funds in his possession or custody at other times, upon the request so to do by the Council. He shall not pay out or otherwise disburse any funds in his possession or custody, or in the possession or custody of the Mission Creek Band Council, except when properly authorized so to do by resolution duly passed and properly recorded by the Council.

The books and records of the Secretary-Treasurer of the Band shall be audited at least once each year by a competent auditor employed by the Council, and at such other times as the Council or the Band as a whole, or the Commissioner of Indian Affairs may direct.

The Secretary-Treasurer shall be required to file a bond satisfactory to the Council and to the Secretary of the Interior. Until the Secretary-Treasurer is Bonded, the Band Council may make provision for the proper custody, disbursement, and use of all moneys. The Secretary-Treasurer shall be present at all regular and special meetings of the Mission Creek Council. The Treasurer's bond shall be paid from the Band treasury.

## ARTICLE II — MEETINGS OF THE BAND COUNCIL

SECTION 1. Regular meetings of the Council shall be held onee a year, but special meetings may be called at other times by the President, or in his absence, by the Vice-President; and it shall be the duty of the officer calling such meeting to transmit to each member notice of such meeting, in writing, at least twenty-four (24) hours before the time of such meetings.

SEC. 2. Special meetings of the Band Council shall also be held upon written request of fifty (50) percent of the adult members of the Band, and when such written request is made and filed with the Secretary-Treasurer, the President, or Vice-President of the Council, shall assemble the members of the Council at the time specified.

SEC. 3. Three (3) members of the Council shall constitute a quorum.

## ARTICLE III — CONDUCT OF MEETINGS

All meetings of the Council shall be open to all members of the Band. Balloting at all meetings shall be by roll call, or by rising vote.

## ARTICLE IV — MINUTES AND RECORDS

SECTION 1. It shall be the duty of the Council to exercise care and caution to the end that a complete and full record is preserved of all acts of the Council and of all committees appointed therefrom. True copies of all such records shall be preserved in the files of the Council and true copies of all necessary records shall be transmitted to such bureaus, departments, or elsewhere, as may be required.

SEC. 2. All records of the Council and its committees or delegates shall at all times be matters of public record. Any member of the Mission Creek Band shall have full and free access to same.

SEC. 3. Copies of all leases, contracts, deeds or assignments, and all other papers or documents pertaining to lands of any nature on the reservation shall be carefully preserved by the Council; and insofar as is possible, all other documents affecting the rights and equities of the Band as a whole or the individual members thereof shall be kept and preserved, in order that such information shall be at all times available to the Council and to the individual members of the Band.

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CERTIFICATION OF ADOPTION

The Mission Creek Band of Mission Creek Reservation, Mission Creek, California, has on this date, December 13, 1959, by democratic procedure on the part of its members, approved the attached Constitution and By-laws. We petition the Secretary of the Interior for his approval of these documents.

There were 7 votes cast for the acceptance of the Constitution and By-laws and 0 votes against.

/s/ WALLACE J. NEWMAN
Chairman, Constitution Committee

/s/ JEAN N. ENGLAND
Secretary, Constitution Committee

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APPROVAL

I, Roger Ernst, Assistant Secretary of the Interior of the United States of America as requested in the Certification of Adoption of the Constitution and Bylaws of the Mission Creek Band of Indians on the Mission Creek Reservation, Mission Creek, California, do hereby approve the said Constitution and Bylaws.

Approval recommended:

/s/ GLENN F. EMMONS

Commissioner
Bureau of Indian Affairs

/s/ ROGER ERNST
Secretary of the Interior

[SEAL]

DATE: February 4, 1960

WASHINGTON, D.C.

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# ARTICLES OF ASSOCIATION, BY-LAWS, AND PLAN OF OPERATION OF THE PIT RIVER HOME AND AGRICULTURAL COOPERATIVE ASSOCIATION

As Amended December 1, 1958
As Approved January 21, 1960.

## ARTICLES OF ASSOCIATION

We, the undersigned, all of whom have been duly chosen to receive Revocable Permits on the XL Ranch, do voluntarily associate together without capital stock for the purpose of forming a Home and Agricultural Cooperative Association to operate and maintain the XL Ranch according to modern farm and ranch practices.

## ARTICLE I — NAME

The name of this Association shall be The Pit River Home and Agricultural Cooperative Association. When used in this document, "Area Director" is the Area Director for the Sacramento Area, Bureau of Indian Affairs; "Association" means the Pit River Home and Agricultural Cooperative Association; "Secretary" means Secretary of the Interior; "Commissioner" means Commissioner of Indian Affairs, and "Board" means Board of Directors of The Pit River Home and Agricultural Cooperative Association.

## ARTICLE II — PURPOSE

The purpose of this Association shall be to improve the social and economic status of its members by individual and group activities.

## ARTICLE III — POWERS

The powers of this Association, which shall exist and be exercised only on legal pursuance of the objectives outlined in Article II, shall be to engage in any business pursuant to its purpose, subject to approval of the Area Director.

## ARTICLE IV — PLACE OF BUSINESS

The principal place of business shall be the XL Ranch, Alturas, California.

## ARTICLE V — MEMBER OF PARTICIPATION

This Association is formed to operate on a cooperative basis. Each member in good standing shall be entitled to one vote and only one vote. There shall be no voting by proxy.

## ARTICLE VI — MANAGEMENT

A board of five Directors shall conduct the general business of this Association. The Directors shall be elected by ballot at the annual meeting of the members. Each Director shall hold office for one year. All Directors shall be elected at large, from the members of the Association who are in good standing.

The Directors shall manage the Association in accordance with the Articles of Association, the by-laws and the Plan of Operations. All official actions by the Board of Directors must have the approval of the Area Director.

## ARTICLE VII — MEMBER INTERESTS

The interests of members in good standing in the net assets of the Association shall be equal.

## ARTICLE VIII — RESPONSIBILITY OF MEMBERS

Each individual member of the Association who has received his Revocable Permit for individual use of a dwelling and irrigable acres on the ranch, shall maintain the dwelling permitted to him in good repair and farm and maintain the irrigable acres permitted to him in a good and husbandmanlike manner by promptly completing any needed repairs to the dwelling, maintaining all fences and irrigation works on the irrigable areas permitted to him, in good repair, eradicating all noxious weeds and doing any and all other work necessary to preserve the property permitted to him from extraordinary depreciation, all to the satisfaction of the Area Director. Each individual member shall contribute either in cash or labor, his proportionate share of the cost to maintain and operate the balance of the ranch not under Revocable Permit.

## ARTICLE IX — DISSOLUTION

The Association may be dissolved by majority vote in favor of dissolution of a quorum of the members present at a meeting for the purpose duly called and noticed according to the by-laws, but such dissolution shall not be effective until approved by the Commissioner. In case of dissolution, members shall be entitled to their proportionate share in the net assets and reserve funds of the Association; shall be jointly and severally liable for the debts of the Association; and such dissolution shall be in accordance with the directions of the Commissioner.

## ARTICLE X — MANAGING DIRECTORS

The names and places of residence of the Directors of this Association who shall hold office until the first annual meeting are as follows:

| Name | Residence |
|---|---|
| Erin Forrest | Alturas, California |
| Ruby George | Alturas, California |
| Archie Hess | Alturas, California |
| Neva Barlese | Alturas, California |
| Edna Townsend | Alturas, California |
| Leo James | Alturas, California |

## ARTICLE XI — EXISTENCE AND AMENDMENTS

These Articles of Association and By-Laws shall not be effective until approved by the Commissioner. Amendments thereto may be made at any meeting of the Association duly called for that purpose, provided a quorum is present and two-thirds of the members present approve the amendment; and providing further that any amendment shall not be effective until approved by the Commissioner or his authorized representative.

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# BY-LAWS OF THE PIT RIVER HOME AND AGRICULTURAL COOPERATIVE ASSOCIATION

## ARTICLE I — PURPOSES

The purposes for which this Association is formed are set forth in the Articles of Association.

## ARTICLE II — MEMBERSHIP

SECTION 1. Members: Members of this Association shall be those Pit River Indians of California, heads of families, who have been duly chosen to receive Revocable Permits on the XL Ranch, and who sign these Articles of Association, By-laws and Plan of Operation and who abide by the same.

SEC. 2. New Members: After organization any Pit River Indian of California who is the head of a family, twenty-one years of age or older, may apply to the Board of Directors of this Association , in writing, for a Revocable Permit to use a house and/or land on the XL Ranch. After approval of the Board of Directors, he shall sign these Articles of Association, By-laws, and Plan of Operation and receive a Revocable Permit and become a member of this Association. If his application is not approved by the Board of Directors, he may appeal to the Area Director, whose decision shall be final.

SEC. 3. Withdrawal: A member may withdraw from the Association by serving notice in writing to the Board of Directors. Withdrawal shall not affect any indebtedness of the member to, or any agreement with, the Association.

SEC. 4. Forfeiture of Membership: A member who voluntarily resigns or who violates the Articles of Association and By-laws and/or Plan of Operation, thereby forfeits his membership in the Association.

SEC. 5. Payment of Interest: A member who withdraws shall be entitled only to his proportionate share of any distribution of earnings as may be made for the year during which he withdraws and shall have no share in the assets or reserves of the Association thereafter, subject to the approval of the Area Director.

SEC. 6. Deceased Members: The spouse or next of kin of deceased members, if otherwise eligible and capable of operating a farming and livestock enterprise, shall be given first preference for membership in lieu of the deceased spouse. No member shall hold more than one Revocable Permit.

## ARTICLE III — MEETINGS OF MEMBERS OF THE ASSOCIATION

SECTION 1. Annual Meetings: The annual meetings of members shall be held in the Community Hall on the XL Ranch at 1:00 o'clock P. M., on the first day of December of each year; or if a holiday or Sunday, on the next day following.

SEC. 2. Special Meetings: Special meetings of members may be called at any time by the president, upon written request of three members of the Board, or upon written petition signed by thirty (30) percent of the members, or upon request of the Area Director. No business shall be transacted at a special meeting unless such business is specified in the notice.



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SEC. 3. Notice of Meetings: Members shall be notified of meetings by notices posted on the bulletin board of the Community Building at the XL Ranch at least ten (10) days before the meeting, which shall state the time, place, and purpose, Meetings may be held without notice upon consent of all members.

SEC. 4. Quorum: A majority of the members shall constitute a quorum.

## ARTICLE IV — BOARD OF DIRECTORS

SECTION 1. Term of Office: The Board of Directors shall serve for one year or until their successors have been elected.

SEC. 2. Quorum: Three (3) members of the Board of Directors shall constitute a quorum at any meeting of the Board.

SEC. 3. Removal: At any regular meeting of members, or at any special meeting called for the purpose at which a quorum is present, a Director may be removed for cause by vote of not less than two-thirds of the members present, after the Director in question has received, in writing, the purported charges at least ten (10) days in advance of the scheduled meeting and has been given an opporutnity to present his own defense.

SEC. 4. Meetings: The Board of Directors shall meet regularly on the first Monday evening of each month unless it falls on a holiday. In such case the meeting shall be held on the evening of the following day.

Special meetings of the Board shall be called at any time upon request of a majority of the Board of Directors, or the Area Director.

All Board meetings are open to any member of the Association or to the Area Director or his authorized representative.

SEC. 5. Election of Officers: The Board shall meet within ten (10) days after each election and shall elect by ballot from among themselves a president, a vice-president, and a secretary-treasurer who shall hold office until the election and qualification of their successors, unless earlier removed by death, resignation, or for cause.

SEC. 6. Compensation: Directors and officers shall serve without pay in such capacities, except that the Board may employ secretarial help whose salary or wages shall be approved by the Area Director.

SEC. 7. Vacancy: Vacancies on the Board of Directors shall be filled at special meetings of the members called for that purpose.

## ARTICLE V — DUTIES OF BOARD OF DIRECTORS

SECTION 1. Management: The management and direction of the business affairs of the Association shall be in the hands of the Board of Directors. All actions of the Board shall be subject to the approval by the Area Director.

SEC. 2. Bonds: The treasurer shall be required to give bond of a kind and amount acceptable to the Board and approved by the Area Director. The cost shall be paid by the Association.

SEC. 3. Audits: The Board of Directors shall cooperate with the Area Director in having an audit made of the books and records of the Association within thirty (30) days after the close of each fiscal year, and in presenting reports of the business to the members at the annual meeting.

SEC. 4. Depository: All funds of the Association shall be deposited in an I.I.M. Account in the Sacramento Area Office or in such depository as is approved by the Area Director. No disbursements shall be made without prior authorization by resolution of the Board. No loans shall be made from Association funds.

SEC. 5. Overseer: The Board, subject to the approval of the Area Director, shall be responsible for hiring an overseer or man in charge, establishing his rate of pay, authorizing payment of his salary and supervising his activities.

SEC. 6. Budgets: The Board shall be required to prepare and approve an annual budget of operating expenses for the ensuing fiscal year on or before the November meeting of the current year, which is subject to the approval of the Area Director. After the budget is approved by the Area Director, he may cause Association funds on deposit in their I.I.M. account in the Sacramento Area Office to be transferred to a local depository designated by the Board and approved by the Area Director in an amount not to exceed the total of the approved budget.

SEC. 7. Records: The Secretary-Treasurer shall keep records of each transaction. Accounts and records shall be open to the inspection of any member of the Association or by the Area Director or his authorized representative.

## ARTICLE VI — DUTIES OF OFFICERS

SECTION 1. Duties of President: The president shall preside over all meetings and the Board of Directors; perform the acts and duties usually performed by a presiding officer; and sign such papers as he may be authorized or directed to sign by the Board of Directors. The vice-president shall perform the duties in the absence of the president.

SEC. 2. Duties of Secretary-Treasurer: The secretary-treasurer shall keep a complete record of all meetings of members, and of all meetings of the Board of Directors. He shall serve required notices, make all reports, and perform such financial and other duties as may be required of him by the Board of Directors.

SEC. 3. Duties of Overseer: The overseer, or man "in charge", will be directly responsible to the Board of Directors. The Board will establish a monthly salary for the overseer, subject to approval of the Area Director and authorize payment to him by submitting properly executed resolutions, for the months in which he is employed. The duties of the overseer will include but not be limited to the following:

(a) Be responsible for the over-all ranch management;

(b) See that the main irrigation ditches, and structures related thereto, are cleaned, maintained, and properly operated. This includes the two reservoirs.

(c) Operate the arable lands on vacant Revocable Permits and the excess range in the best interests of the Association, and make frequent inspections to insure compliance with the provisions of land use permits.

(d) Cooperate with the County Agricultural Commissioner in the control of weeds and pests.

(e) Perform any and all practices necessary to maintain the stream channels, structures, and diversion points.

ARTICLE VII — MEMBER INTERESTS AND RESPONSIBILITY: RESERVES

SECTION 1. Fiscal Year: The fiscal year of the Association shall be from December 1 to November 30.

SEC. 2. All earnings of the Association in excess of operating expenses shall be used for the improvement of the ranch. Expenditures for such improvements shall be made only with the approval of the Area Director.

SEC. 3. Dissolution: Upon dissolution of the cooperative Association, all members shall share equally in the reserves and other net assets of the Association, after all repairs to the ranch and to the improvements, necessary to bring the ranch to good operable property satisfactory to the Area Director, have been made and paid for from such reserve or assets.

ARTICLE VIII — MISCELLANEOUS

SECTION 1. The names and residences of those accepting and agreeing to these Articles of Association and By-Laws, who in testimony thereof have hereto set their hands and seals, are:

| NAME | ADDRESS |
|---|---|
| 1. Erin Forrest | Box 763, Alturas, California |
| 2. Archie Hess | Box 1083, Alturas, California |
| 3. Delphert Sharp | Alturas, California |
| 4. Goerge Forrest | Box 238, Alturas, California |
| 5. Ida Wilson | Alturas, California |
| 6. Neva Barlese | Alturas, California |
| 7. Norman J. Forrest | Alturas, California |
| 8. Edna Townsend | Alturas, California |
| 9. Leo D. James | Alturas, California |
| 10. Ruby George | Alturas, California |

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PLAN OF OPERATION - XL RANCH

We, the members of The Pit River Home and Agricultural Cooperative Association, conforming to action taken at our annual meeting held on December 1, 1958, request that our present Plan of Operation be amended, and offer the following plan under which to continue the operation of the XL Ranch for members of the Pit River Tribe of California.

ARTICLE I

SECTION 1. The XL Ranch was bought by the Federal Government, the title to be held in trust for such Pit River Group of Indians of California, as may be designated

by the Secretary.

Twelve of the rehabilitation houses, built on the Ranch by the Federal Government remain for the use of the members holding revocable permits. A portion of the irrigable area was divided into thirteen areas of fifty-one acres each at a time when there were thirteen members on the ranch. Currently, there are eleven members, each of whom is entitled to the use of one house and one irrigable parcel. Each member who owns livestock is entitled to graze them on the tribal range under the terms of the permit.

Presently the extra house is used a a club house and meeting place and the two unpermitted areas of arable land are operated by the Association.

## ARTICLE II

SECTION 1. Each member shall make a single yearly payment in the amount of $250, which will be due and payable December 1st of each year in advance and any member delinquent for one year shall forfeit his membership and his revocable permit shall be cancelled. This payment will provide for the use of the homesite, the permitted irrigable land, for the operation and maintenance of the community irrigation facilities and the maintenance of fences on the land not under revocable permit. It is understood that normal maintenance of fences and irrigation structures on lands described in his revocable permit and the house permitted to him will be the individual Permittee's responsibility. The Association will make payment of premiums for fire insurance on the houses, exclusive of contents.

SEC. 2. Each member will be required to pay an annual fee per head of livestock grazed on lands outside the permitted irrigable area. The grazing fee will be $7.00 per year payable in advance for each animal of over six months of age at the time of entering upon the range. The Association agrees to maintain all exterior boundary fences and the two large corrals. Each member will provide his own bulls, salt, supplies, etc. The grazing fee may be revised by the Board with the approval of the Area Director to meet changing conditions. Grazing fees for each ensuing year shall be determined and announced by not later than October 1st of each year.

SEC. 3. A member in good standing is one who conforms to the provisions of the Articles of Association and By-laws and Plan of Operation.

SEC. 4. Any member who surrenders or has his permit cancelled shall be required to pay all debts he owes the Association, prior to removal of any property from the ranch.

SEC. 5. Each livestock owner shall have his own registered brand.

## ARTICLE III

SECTION 1. The Board of Directors shall receive and act upon applications for house and land revocable permits, subject to Sec. 2, Article II of the By-laws.

SEC. 2. The Board of Directors shall be in charge of the Association machinery, shall be responsible for the repair and upkeep of said machinery, and for the collection of fees for its use by individual members of the Association.

SEC. 3. The Board of Directors shall be responsible for the collection of the yearly rental and all fees owing the Association by its members. All collections shall be deposited to the credit of the Association in the I.I.M. account in the Sacramento Area Office.

ARTICLE IV

Failure of the Board to execute the conditions of the Articles of Association and By-laws and Plan of Operation to the satisfaction of the Area Director, shall be sufficient grounds for the Area Director to take formal possession of the properties.

ARTICLE V

SECTION 1. Since the houses are grouped in three units some miles apart, the revocable permits and grazing areas will be worked out to accomodate the members within each settlement unit.

SEC. 2. The arable land has been divided into thirteen equal parcels of fifty-one acres. Each Permittee will be entitled to one of these parcels and an equal right with the other members to graze cattle owned by him on the tribal range.

SEC. 3. Any unpermitted houses or revocable permit lands shall be under the control of the Board of Directors and the Area Director.

SEC. 4. The range-carrying capacity of the ranch will be decermined by the Area Director. The total number of cattle carried on the ranch cannot exceed the limit determined by the Area Director. Each member agrees to cooperate in keeping his herd down to his proportionate share of the limit set by the Area Director. Each member further agrees to advise the Board of Directors in writing, by December 1st annually, of his needs for tribal range for the ensuing grazing season.

SEC. 5. Grazing practices will be worked out between the Board of Directors and the participating members with the concurrence of the Area Director.

The Association shall take the necessary steps to utilize the range to carrying capacity by permitting the range, surplus to the needs of Association members, to non-members in accordance with Federal regulations.

No member shall be permitted grazing privileges for any stock he does not own.

SEC. 6. The overall control of the land and the conditions under which it shall rest with the Area Director.

ARTICLE VI

We, the members of the Association, believe that the ranch can be more satisfactorily operated and the members better satisfied under the foregoing plan.

MEMBERS OF THE ASSOCIATION

-Signed-

| | |
|---|---|
| Erin Forrest | Box 763, Alturas, California |
| Archie Hess | Box 1083, Alturas, California |
| Delphert Sharp | Alturas, California |
| George Forrest | Box 238, Alturas, California |
| Edna Townsend | Alturas, California |
| Ida Wilson | Alturas, Califonnia |
| Norman J. Forrest | Alturas, California |
| Neva Barlese | Alturas, California |
| Leo James | Alturas, California |
| Ruby George | Box 1484, Alturas, California |

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REVOCABLE PERMIT

This permit is made under authority of a Revocable Assignment approved by the Assistant Secretary of the Interior, February 1, 1941, assigning the right to use the lands known as the XL Ranch to The Pit River Home and Agricultural Cooperative Association, hereinafter called the "Association". Section 3 of said assignment gives the Association authority to grant revocable permits for use of portions of the land, with the approval of the Area Director of the Sacramento Area of the Bureau of Indian Affairs.

SECTION 1. The Association grants permission this _____ day of _____ to _____(hereafter called the "Permittee") to enter upon and occupy the land, buildings, and other improvements described as_____

_____

_____

as shown on plot of the XL Ranch, Modoc County, California, on file at the Sacramento Agency.

SEC. 2. The Permittee agrees to make a yearly payment in advance of $250 on December 1st of each year. This payment will provide for the use of the homesite, the permitted irrigable land as described in Section 1 above, the operation and maintenance of the community irrigation facilities and the general upkeep of the ranch outside the permitted areas. Payments will be made to the Board of Directors of the Association to be transmitted to the Area Director, Sacramento Area Office for deposit to the account of the Association.

SEC. 3. The Permittee agrees to pay in advance an annual fee of $7.00 per head for each head of livestock over six months of age, grazed on the land outside the permitted irrigable area. This fee may be increased or decreased by the Board of Directors of the Association by a percent proportionate to any increase or decrease in the price of beef cattle as reflected in the price index of the Department of Agriculture marketing report. Such fee price change, if any, shall be announced by October 1st of each year and shall become effective December 1st of each year and continue in effect that year. Any change in the grazing fee shall be subject to approval by the Area Director.

SEC. 4. The Permittee promises to pay such fees as may be levied by the Board of Directors and approved by the Area Director, for the use of machinery belonging to the Association. In the event the Board fails to establish fees satisfactory to

the Area Director, the Permittee promises to pay such fees as are prescribed by the Area Director.

SEC. 5. The Permittee agrees to maintain his home on the XL Ranch in a good state of repair and to operate the permitted irribable land in a good and husbandmanlike manner. He hereby pledges his crops and cattle as security for the payment of rentals and fees and agrees to work harmoniously with other members of the Association. The Association agrees to maintain the primary irrigation ditches and structures in a satisfactory manner and deliver available water to the various fields as scheduled where it will be distributed by the Permittee. The Association further agrees to maintain all fences except those for the protection or division of the Permittee's irrigable land.

It is mutually agreed that each Permittee shall be allowed to graze his beef cattle on the grazing land outside the permitted area in numbers not to exceed his proportionate share of the carrying capacity of the range as determined by the Area Director.

If, after all members of the Association have been permitted grazing privileges according to their proportionate share for all the cattle they own, it is determined there is range surplus to the carrying capacity, any member shall have a preference right to use the surplus range by paying the required fee even though it is more than his proportionate share. However, if other Association members increase their herds so as to exceed the carrying capacity but not to exceed their proportionate share, members using the surplus range shall be required to reduce their herds to the carrying capacity of the range. If more than one member is using surplus range they shall share it equally.

SEC. 6. This permit is subject to the following conditions: (a) The rights granted hereunder may not be sold or exchanged; (b) All mineral rights and the rights to grant easements on the land for public purposes are reserved to the Secretary of the Interior or his authorized representative.

SEC. 7. This permit may be revoked by the Board of Directors with the approval of the Area Director for any of the reasons set forth below. In the event the Board fails to revoke a permit when the Area Director deems it necessary to do so, the Area Director may revoke the permit for any of the reasons set forth below:

(a) Violation of any conditions of this permit by the Permittee;

(b) Failure of the Permittee to make beneficial use of the land, buildings, and other improvements;

(c) Failure of the Permitteeto engage in the activities of the Association, or to conduct himself in a manner beneficial to the Association;

(d) If the Permittee dies or otherwise ceases to be a member of the Association.

(e) If the Permittee physically misuses the land, buildings, or other improvements, fails to take proper care thereof, or fails to pay for damages caused by such misuse, the amount of such damages to be determined by the Board of Directors, subject to approval by the Area Director.

(f) If the Revocable Assignment approved by the Assistant Secretary February 1, 1941, and under authority of which this permit is made, should be revoked by the Secretary.

The Area Director shall be the judge of any violations as listed in this section.

SEC. 8. The Board of Directors shall notify the Permittee in writing in case this permit is to be revoked, giving the reasons therefor, and the date the premises must be vacated. In the event the Board fails to act, the Area Director may send such notification. The Permittee shall have the right of appeal to the Area Director. Such appeal must be made within fifteen (15) days of the date of notification to the Permittee, and the decision of the Area Director shall be final.

SEC. 9. The Permittee agrees to pay as liquidated damages, $_____ for each day he remains on the premises after the date specified in the notice of revocation; provided that the Permittee shall not be liable for any charge during the time an appeal is pending. Such charges shall start ten (10) days after the decision of the Area Director. Payments shall be made to the Area Director, Sacramento Area Office for the account of the Association.

SEC. 10. It is understood and agreed that this instrument is not a lease or assignment, and is not to be taken or construed as granting any leasehold interest or right in or to the land, buildings, or other improvements described herein, but is merely a temporary permit, terminable and revocable under the conditions set forth herein.

SEC. 11. It is understood and agreed that the Permittee may place improvements on the land covered in this permit and, provided he is not indebted to the Association, may remove or sell the same within sixty (60) days after revocation of this permit. A Permittee who is indebted to the Association shall pay such indebtedness in full within sixty (60) days after revocation of this permit and before removing or selling any improvements. If the Permittee fails to pay in full such indebtedness within the prescribed period, the Association may take possession of the improvements, applying as much of the value thereof as is needed to liquidate the indebtedness, and if the Permittee fails to remove the improvements within the specified period, they shall become part of the land.

SEC. 12. No member of or delegate to Congress or resident Commissioner shall be admitted to any share or part of this contract or to any benefit that may arise therefrom, but this restriction shall not be construed to extend to this contract if made with a corporation or company for its general benefit.

Date: _____ _____
(Permittee)

Approved: _____ 19___.

The Pit River Home and Agricultural Cooperative Association (Permittee)

By: _____ _____
(Signature of Authorized Officer (Title)

Approved: _____ 19___. _____
(Area Director, Sacramento Area Office)

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# CONSTITUTION AND BY-LAWS FOR THE BIG VALLEY BAND OF POMO INDIANS OF THE BIG VALLEY RANCHERIA, CALIFORNIA

Approved January 15, 1936

## PREAMBLE

We, the people of the Big Valley Band of Pomo Indians, of the Big Valley Rancheria, in order to establish a legal rancheria organization and secure certain privileges and powers offered to us by the Indian Reorganization Act, do ordain and establish this constitution and by-laws.

## ARTICLE I — TERRITORY

The jurisdiction of the Big Valley Band of Pomo Indians shall extend to the territory within the confines of the Big Valley Rancheria, and to such other lands as may hereafter be added thereto under any law of the United States except as otherwise provided by law.

## ARTICLE II — MEMBERSHIP

SECTION 1. The membership of the Big Valley Band of Pomo Indians shall consist of:

(a) All persons of Indian blood whose names appear on the official census rolls of the band as of April 1, 1935;

(b) All children born to any member of the band who is a resident of the rancheria at the time of the birth of said children.

SEC. 2. The general community council shall have the power to promulgate ordinances, subject to review by the Secretary of the Interior, covering future membership and the adoption of new members, when the resources of the band make such adoptions feasible.

## ARTICLE III — GOVERNING BODY

SECTION 1. The governing body of the Big Valley Band of Pomo Indians shall be the general community council, which shall be composed of all the qualified voters of the band. A majority of the eligible voters shall constitute a quorum.

SEC. 2. All enrolled members of the Big Valley Band of Pomo Indians who are 21 years of age or over, and who have maintained legal residence on the rancheria for a period of one year immediately prior to any election, are qualified voters at such election. Such residence, however, shall not be required as a qualification for voting upon amendments to the constitution and attached by-laws.

SEC. 3. The general community council shall elect from its own members by secret ballot (a) a chairman, (b) vice chairman, (c) secretary, (d) treasurer, (e) and such other officers and committees as may be deemed necessary.

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SEC. 4. The general community council shall meet on the first Monday of January and July.

SEC. 5. Within thirty days after the ratification and approval of this constitution and by-laws a general community council shall be held for the purpose of electing the officers named herein, and it may transact such other business as may be necessary. The officers elected at this meeting shall serve until the July meeting, at which time their successors shall be chosen. Thereafter, officials shall be chosen at the July meeting.

SEC. 6. The chairman, or 25 percent of the qualified voters, may, by written notice, call special meetings of the general community council.

SEC. 7. The business committee shall consist of the chairman, secretary, and treasurer of the general community council and shall perform such duties as may be authorized by that council.

## ARTICLE IV — POWERS OF THE GENERAL COMMUNITY COUNCIL

SECTION 1. Enumerated powers.—The general community council of the Big Valley Band of Pomo Indians shall exercise the following powers, subject to any limitations imposed by the statutes or the Constitution of the United States:

(a) To negotiate with the Federal, State, and local Governments;

(b) To employ legal counsel, the choice of counsel and fixing of fees to be subject to the approval of the Secretary of the Interior;

(c) To veto any sale, disposition, lease, or encumbrance of tribal lands, interests in lands, or other tribal assets of the band;

(d) To advise the Secretary of the Interior with regard to all appropriation estimated for Federal projects for the benefit of the Big Valley Rancheria prior to the submission of such estimates to the Bureau of the Budget and to Congress;

(e) To manage all economic affairs and enterprises of the Big Valley Band of Pomo Indians in accordance with the terms of a charter that may be issued to the band by the Secretary of the Interior;

(f) To promulgate and enforce ordinances, which shall be subject to review by the Secretary of the Interior, governing the conduct of members of the Big Valley Band of Pomo Indians providing for the manner of making, holding, and revoking assignments of tribal land or interests therein, providing for the levying of taxes and the appropriation of available tribal funds for public purposes, providing for the licensing of non-members coming upon the rancheria for purposes of hunting, fishing, trading, or other business, and for the exclusion from the territory of the band of persons not so licensed, and establishing proper agencies for the enforcement of such ordinances upon the Big Valley Rancheria;

(g) To charter subordinate organizations, for economic purposes and to delegate to such organizations, or to any subordinate boards or officials of the band, any of the foregoing powers, reserving the right to review any action taken by virtue of such delegated power; and

(h) To adopt resolutions not inconsistent with this constitution and the attached by-laws, regulating the procedure of the community council itself and of other tribal agencies, tribal officials, or tribal organizations of the Big Valley Rancheria.

SEC. 2. Future powers.—The general community council may exercise such further powers as may in the future be delegated to the council by members of the band or by the Secretary of the Interior or any other duly authorized official or agency of the State or Federal Government.

SEC. 3. Reserved powers.—Any rights and powers heretofore vested in the Big Valley Band of Pomo Indians but not expressly referred to in this constitution shall not be abridged by this article, but may be exercised by the people of the Big Valley Band of Pomo Indians through the adoption of appropriate by-laws and constitutional amendments.

SEC. 4. Manner of review.—Any resolution or ordinance which by the terms of this constitution is subject to review by the Secretary of the Interior shall be presented to the superintendent in charge of the rancheria, who shall within ten days thereafter approve or disapprove the same.

If the superintendent shall approve any ordinance or resolution, it shall thereupon become effective, but the superintendent shall transmit a copy of the same, bearing his endorsement, to the Secretary of the Interior, who may, within 90 days from the date of enactment, rescind the said ordinance or resolution for any cause, by notifying the general community council of such decision.

If the superintendent shall refuse to approve any ordinance or resolution submitted to him within ten days after its enactment he shall advise the general community council of his reasons therefor. If these reasons appear to the general community council insufficient, it may, by a majority vote, refer the ordinance or resolution to the Secretary of the Interior, who may, within 90 days from the date of its enactment, approve the same in writing, whereupon the said ordinance or resolution shall become effective.

## ARTICLE V — AMENDMENTS

SECTION 1. This constitution and by-laws may be amended by a majority vote of the qualified voters of the band voting at an election called for that purpose by the Secretary of the Interior, provided that at least 30 percent of those entitled to vote shall vote in such election; but no amendment shall become effective until it shall have been approved by the Secretary of the Interior.

SEC. 2. At any regular or special general community council meeting, amendments to this constitution and by-laws may be proposed, to be acted upon at the next semiannual general community council meeting. If approved by a majority vote at such meeting, the proposed amendment shall be submitted to the Secretary of the Interior who shall thereupon call an election upon the proposed amendment.

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# BY-LAWS FOR THE BIG VALLEY BAND OF POMO INDIANS OF THE BIG VALLEY RANCHERIA

## ARTICLE I

Each officer elected or appointed hereunder shall take an oath of office prior to assuming the duties thereof, by which oath, he shall pledge himself to support and defend the Constitution of the United States and this consititution and by-laws.

Oath: I,_____ _____, do solemnly swear that I will support and defend the Constitution of the United States against all enemies; that I will carry out, faithfully and impartially, the duties of my office to the best of my ability; that I will cooperate, promote, and protect the best interests of my band in accordance with this constitution and by-laws.

## ARTICLE II

It shall be the duty of the general community council and each member thereof to promote the general welfare of the members of this band and to carry out the provisions and purposes of this constitution and by-laws.

## ARTICLE III

It shall be the duty of the chairman to preside over all meetings of the general community council and carry out all orders of the council. All members of the council and all subordinate officers shall assist the chairman in all proper ways to carry out the orders of the council.

## ARTICLE IV

The general community council secretary shall keep a full report of all proceedings of each regular and special meeting of the general council and of the business committee, and shall perform such other duties of like nature as the council shall from time to time by resolution provide, and shall transmit copies of the minutes of each meeting to the superintendent in charge of the rancheria, and to the Commissioner of Indian Affairs.

## ARTICLE V

The general community council treasurer shall be the custodian of all moneys which come under the jurisdiction or into the control of the general community council. He shall pay out money in accordance with the orders and resolutions of the general community council. He shall keep account of all receipts and disbursements and shall report the same to the council at each regular meeting. He shall be bonded in such an amount as the council may by resolution, approved by the Commissioner of Indian Affairs, provide. The books of the council treasurer shall be subject to audit or inspection at the direction of the council or the Commissioner of Indian Affairs. Until the treasurer is bonded, the business committee may make such provision for the custody and disbursements of funds as shall guarantee their safety and proper disbursmment and use.

ARTICLE VI

The subordinate officers of the general community council shall perform such duties as the council may from time to time provide by resolution.

ARTICLE VII

The order of business at any regular or special meeting of the general community council shall be as follows:

1. Council called to order.
2. Roll call.
3. Reading of minutes of previous meeting.
4. Reports of committees.
5. Report of the council treasurer.
6. Reading of communications.
7. Unfinished business.
8. New business.
9. Adjournment.

ARTICLE VIII

This constitution and by-laws, when adopted by a majority vote of the voters of the Big Valley Band of Pomo Indians voting at a special election called by the Secretary of the Interior, in which at least 30 percent of those entitled to vote shall vote, shall be submitted to the Secretary of the Interior for his approval, and shall be effective from the date of such approval.

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CERTIFICATION OF ADOPTION

Pursuant to an order, approved November 6, 1935, by the Secretary of the Interior, the attached constitution and by-laws was submitted for ratification to the Big Valley Band of Pomo Indians of the Big Valley Rancheria and was on November 30, 1935, duly ratified by a vote of 24 for and 20 against, in an election in which over 30 percent of those entitled to vote cast their ballots, in accordance with section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended by the act of June 15, 1935 (Pub., No. 147—74th Cong.).

ROGER A. POSH,
Chairman of Election Board.

FRANK H. MARANDO,
Secretary of Election Board.

ROY NASH,
Superintendent in Charge of the Rancheria.

***

I, Harold L. Ickes, the Secretary of the Interior of the United States of America, by virtue of the authority granted me by the act of June 18, 1934 (48 Stat. 984), as amended, do hereby approve the attached constitution and by-laws of the Big Valley

Band of Pomo Indians of the Big Valley Rancheria.

All rules and regulations heretofore promulgated by the Interior Department or by the Office of Indian Affairs, so far as they may be incompatible with any of the provisions of the said constitution or by-laws, are hereby declared inapplicable to the Big Velley Band of Pomo Indians of the Big Valley Rancheria.

All officers and employees of the Interior Department are ordered to abide by the provisions of the said constitution and by-laws.

Approval recommended January 7, 1936.

WILLIAM ZIMMERMAN, JR.,
Assistant Commissioner of Indian Affairs.

HAROLD L. ICKES,
Secretary of the Interior

WASHINGTON, D.C., January 15, 1936. [SEAL]

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## AMENDMENTS — CONSTITUTION AND BY-LAWS FOR THE BIG VALLEY BAND OF POMO INDIANS OF THE BIG VALLEY RANCHERIA

AMENDMENT I.

1. That the last line of Section 1, Article III of the Constitution and By-laws be amended to read:

"Thirty percent of the eligible voters shall constitute a quorum."

2. That Section 4, Article III of the Constitution and By-laws be amended to read:

"The general community council shall meet on the second Wednesday of November and April."

3. That the second sentence in Section 5, Article III of the Constitution and By-laws be deleted in its entirety.

4. That the last line of Section 5, Article III of the Constitution and By-laws be amended to read:

"Thereafter, officials shall be chosen at the November meeting."

AMENDMENT II.

That an article be added to the Constitution as follows:

"ARTICLE VI — VACANCIES AND REMOVAL FROM OFFICE

"SECTION 1. Any officer who may resign, die or be removed from office, shall be replaced only at a regular election or at a special election of the Community Council.

"SEC. 2. Any officer convicted of a felony or misdemeanor involving dishonesty, in any Federal, State or Indian Court may be removed from office by a majority vote of the eligible voters of the Community Council.

"SEC. 3. The Community Council may, by a majority vote of the eligible voters, expel any officer of the Council for neglect of duty or gross misconduct; Provided, That the accused shall be given an opportunity to answer any and all charges at a designated Council meeting. The decision of the Council shall be final."

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CERTIFICATION OF ADOPTION

Pursuant to an order, approved April 13, 1940, by the Assistant Secretary of the Interior, the attached Amendments to the Constitution and By-laws for the Big Valley Band of Pomo Indians of the Big Valley Rancheria were submitted for ratification to the qualified voters of the Band, and on May 13, 1940, Amendment I was adopted by a vote of 24 for, and 2 against, and Amendment II was adopted by a vote of 21 for, and 5 against, in an election in which more than 30 percent of those entitled to vote cast their ballots in accordance with Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended by the Act of June 15, 1935 (49 Stat. 378).

ROGER A. POCH,
Chairman of the Community Council.

LINCOLN DENNISON,
Secretary of the Community Council.

ROY NASH,
Superintendent of the Sacramento Agency.

I, Oscar L. Chapman, the Assistant Secretary of the Interior of the United States of America, by virtue of the authority granted me by the Act of June 18, 1934 (48 Stat. 984), as amended, do hereby approve the attached Amendments to the Constitution and By-laws of the Big Valley Band of Pomo Indians of the Big Valley Rancheria.

Approval recommended July 19, 1940.

F. H. DAIKER,
Assistant to the Commissioner.

OSCAR L. CHAPMAN,
Assistant Secretary.

WASHINGTON, D.C., July 12, 1940. [SEAL]

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# CONSTITUTION AND BY-LAWS FOR THE KASHIA BAND OF POMO INDIANS OF THE STEWARTS POINT RANCHERIA, CALIFORNIA

Approved March 11, 1936

## PREAMBLE

We, the Indians of the Stewarts Point Rancheria, in order to establish a legal rancheria organization and secure certain privileges and powers offered to us by the Indian Reorganization Act, do ordain and establish this constitution and by-laws for the Kashia Band of Pomo Indians of the Stewarts Point Rancheria.

## ARTICLE I — TERRITORY

The jurisdiction of the Kashia Band of Pomo Indians shall extend to the territory within the confines of the Stewarts Point Rancheria, and to such other lands as may hereafter be added thereto under any law of the United States, except as otherwise provided by law.

## ARTICLE II — MEMBERSHIP

SECTION 1. The membership of the Kashia Band of Pomo Indians shall consist of:

(a) All persons of Indian Blood whose names appear on the official census rolls of the band as of April 1, 1935.

(b) All children born to any member of the band who is a resident of the Rancheria at the time of the birth of said children.

SEC. 2. The community council shall have the power to promulgate ordinances, subject to review by the Secretary of the Interior, covering future membership and the adoption of new members, when the resources of the band make such adoptions feasible.

## ARTICLE III — GOVERNING BODY

SECTION 1. The governing body of the Kashia Band of Pomo Indians shall be the community council which shall be composed of all qualified voters of the band. A majority of the eligible voters shall constitute a quorum.

SEC. 2. All enrolled members of the Kashia Band of Pomo Indians who are 21 years of age or over and who have maintained legal residence on the Rancheria for a period of 1 year immediately prior to any election , are qualified voters at such election. Such residence, however, shall not be required as a qualification for voting upon amendments to the constitution and attached by-laws.

SEC. 3. The community council shall elect from its own members, by secret ballot, (a) chairman; (b) vice chairman; (c) secretary; (d) treasurer; (e) and such other officers and committees as may be deemed necessary.

SEC. 4. The community council shall meet on the first Monday of January and July.

SEC. 5. Within thirty (30) days after the ratification and approval of this constitution and by-laws, a community council shall be held for the purpose of electing the officers named herein, and it may transact such other business as may be necessary. The officers elected at this meeting shall serve until the July meeting at which time their successors shall be chosen. Thereafter, officials shall be chosen at the July meeting.

SEC. 6. The chairman, or 25 percent of the qualified voters, may by written notice, call special meetings of the community council.

SEC. 7. The business committee shall consist of the chairman, secretary, and treasurer of the community council, and shall perform such duties as may be authorized by that Council.

## ARTICLE IV — POWERS OF THE COMMUNITY COUNCIL

SECTION 1. Enumerated powers.—The community council of the Kashia Band of Pomo Indians shall exercise the following powers, subject to any limitations imposed by the statutes or the Constitution of the United States:

(a) To negotiate with the Federal, State, and local governments;

(b) To employ legal counsel, the choice of counsel and fixing of fees to be subject to the approval of the Secretary of the Interior;

(c) To veto any sale, disposition, lease or encumbrance of tribal lands, interests in lands, or other tribal assets of the band;

(d) To advise the Secretary of the Interior with regard to all appropriation estimates for Federal projects for the benefit of the Stewarts Point Rancheria prior to the submission of such estimates to the Bureau of the Budget and to Congress;

(e) To manage all economic affairs and enterprises of the Kashia Band of Pomo Indians in accordance with the terms of a charter that may be issued to the band by the Secretary of the Interior;

(f) To promulgate and enforce ordinances, which shall be subject to review by the Secretary of the Interior, governing the conduct of members of the Kashia Band of Pomo Indians, providing for the manner of making, holding, and revoking assignments of tribal land or interests therein, providing for the levying of taxes and the appropriation of available tribal funds for public purposes, providing for the licensing of nonmembers coming upon the Rancheria for purposes of hunting, fishing, trading, or other business, and for the exclusion from the territory of the band, of persons not so licensed, and establishing proper agencies for the enforcement of such ordinances upon the Stewarts Point Rancheria;

(g) To charter subordinate organizations for economic purposes and to delegate to such organizations, or to any subordinate boards or officials of the band, any of the foregoing powers, reserving the right to review any action taken by virtue of such delegated power;

(h) To adopt resolutions not inconsistent with this constitution and the attached By-laws, regulating the procedure of the council itself and of other tribal agencies, tribal officials, or tribal organizations of the Stewarts Point Rancheria.

SEC. 2. Future powers.—The community council may exercise such further powers as may in the future be delegated to the council by members of the band or by the Secretary of the Interior or any other duly authorized official or agency of the State or Federal Government.

SEC. 3. Reserved powers.—Any rights and powers heretofore vested in the Kashia Band of Pomo Indians, but not expressly referred to in this constitution shall not be abridged by this article, but may be exercised by the people of the Kashia Band of Pomo Indians through the adoption of appropriate by-laws and constitutional amendments.

SEC. 4. Manner of review.—Any resolution or ordinance which by the terms of this constitution is subject to review by the Secretary of the Interior, shall be presented to the superintendent in charge of the Rancheria, who shall, within ten (10) days thereafter, approve or disapprove the same.

If the superintendent shall approve any ordinance or resolution, it shall thereupon become effective, but the superintendent shall transmit a copy of the same, bearing his endorsement, to the Secretary of the Interior, who may, within 90 days from the date of enactment, rescind the said ordinance or resolution for any cause, by notifying the community council of such decision.

If the superintendent shall refuse to approve any ordinance or resolution submitted to him, within ten (10) days after its enactment, he shall advise the community council of his reasons therefor. If these reasons appear to the council insufficient it may by a majority vote refer the ordinance or resolution to the Secretary of the Interior, who may, within 90 days from the date of its enactment, approve the same in writing, whereupon the said ordinance or resolution shall become effective.

## ARTICLE V — AMENDMENTS

SECTION 1. This constitution and by-laws may be amended by a majority vote of the qualified voters of the band voting at an election called for that purpose by the Secretary of the Interior, provided that at least 30 percent of those entitled to vote in such election; but no amendment shall become effective until it shall have been approved by the Secretary of the Interior.

SEC. 2. At any regular or special community council meeting amendments to this constitution and by-laws may be proposed to be acted upon at the next semiannual community council meeting. If approved by a majority vote at such meeting, the proposed amendment shall be submitted to the Secretary of the Interior who shall thereupon call an election upon the proposed amendment.

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## BY-LAWS OF THE KASHIA BAND OF POMO INDIANS

### ARTICLE I

Each officer elected or appointed hereunder shall take an oath of office prior to assuming the duties thereof, by which oath he shall pledge himself to support and defend the Constitution of the United States and this constitution and by-laws.

Oath: "I, _____, do solemnly swear that I will support and defend the Constitution of the United States against all enemies; that I will carry out, faithfully and impartially, the duties of my office to the best of my ability; that I will cooperate, promote, and protect the best interests of my band in accordance with this constitution and by-laws."

### ARTICLE II

It shall be the duty of the community council and each member thereof to promote the general welfare of the members of this band and to carry out the provisions and purposes of this constitution and by-laws.

### ARTICLE III

It shall be the duty of the chairman to preside over all meetings of the community council and carry out all orders of the council. All members of the council and all subordinate officers shall assist the chairman in all proper ways to carry out the orders of the council.

### ARTICLE IV

The community council secretary shall keep a full report of all proceedings of each regular and special meeting of the community council and of the business committee, and shall perform such other duties of like nature as the community council shall from time to time by resolution provide, and shall transmit copies of the minutes of each meeting to the superintendent in charge of the Rancheria, and to the Commissioner of Indian Affairs.

### ARTICLE V

The community council treasurer shall be the custodian of all moneys which may come under the jurisdiction or into the control of the community council. He shall pay out money in accordance with the orders and resolutions of the community council. He shall keep account of all receipts and disbursements and shall report the same to the community council at each regular meeting. He shall be bonded in such an amount as the community council may by resolution, approved by the Commissioner of Indian Affairs, provide. The books of the council treasurer shall be subject to audit or inspection at the direction of the community council, or the Commissioner of Indian Affairs. Until the treasurer is bonded, the business committee may make such provision for the custody and disbursement of funds as shall guarantee their safety and proper disbursement and use.

### ARTICLE VI

The subordinate officers of the community council shall perform such duties as the community council may from time to time provide by resolution.

ARTICLE VII

The order of business at any regular or special meeting of the community council shall be as follows:

1. Council called to order.
2. Roll call.
3. Reading of minutes of previous meeting.
4. Reports of committees.
5. Report of the council treasurer.
6. Reading of communication.
7. Unfinished business.
8. New business.
9. Adjournment.

ARTICLE VIII

Ratification of constitution and by-laws.—This constitution and by-laws, when adopted by a majority vote of the voters of the Kashia Band of Pomo Indians voting at a special election called by the Secretary of the Interior, in which at least 30 percent of those entitled to vote shall vote, shall be submitted to the Secretary of the Interior for his approval, and shall be in force from the date of such approval.

CERTIFICATION OF ADOPTION

Pursuant to an order, approved January 16, 1936, by the Secretary of the Interior, the attached constitution and by-laws was submitted for ratification to the adult Indians residing on the Stewarts Point Rancheria and was, on February 8, 1936, duly accepted by a vote of 47 for and 2 against, in an election in which over 30 percent of those entitled to vote cast their ballots, in accordance with section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended by the act of June 15, 1935 (Pub. No. 147, 74th Cong.).

JOHN R. SMITH,
Chairman of Election Board.

ALLEN H. JAMES,
Secretary of Election Board.

ROY NASH,
Superintendent In Charge of the Rancheria.

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I, Harold L. Ickes, the Secretary of the Interior of the United States of America, by vittue of the authority granted me by the act of June 18, 1934, (48 Stat. 984), as amended, do hereby approve the attached constitution and by-laws of the Kashia Band of Pomo Indians of the Stewarts Point Rancheria.

All rules and regulations heretofore promulgated by the Interior Department or by the Office of Indian Affairs, so far as they may be incompatible with any of the provisions of the said constitution or by-laws, are hereby declared inapplicable to the

Kashia Band of Pomo Indians of the Stewarts Point Rancheria.

All officers and employees of the Interior Department are ordered to abide by the provisions of the said constitution and by-laws.

Approval recommended February 28, 1936.

WILLIAM ZIMMERMAN, JR.,
Assistant Commissioner of Indian Affairs.

CHARLES WEST,
Acting Secretary of the Interior.

WASHINGTON, D.C., March 11, 1936. [SEAL]

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AMENDMENTS — CONSTITUTION AND BY-LAWS FOR THE

KASHIA BAND OF POMO INDIANS OF

THE STEWARTS POINT RANCHERIA

AMENDMENT I.

1. That the last line of Section 1, Article III of the Constitution be amended to read:

"Thirty percent of the eligible voters shall constitute a quorum."

2. That Section 4, Article III of the Constitution be amended to read:

"The general community council shall meet on the second Sunday of November and April."

3. That the second sentence in Section 5, Article III of the Constitution be deleted in its entirety.

4. That the last line of Section 5, Article III of the Constitution be amended to read:

"Thereafter, officials shall be chosen at the November meeting."

AMENDMENT II.

That an article be added to the Constitution as follows:

"ARTICLE VI — VACANCIES AND REMOVAL FROM OFFICE"

"SECTION 1. Any officer who may resign, die or be removed from office shall be replaced only at a regular election or a special election of the Community Council.

"SEC. 2. Any officer convicted of a felony or misdemeanor involving dishonesty in any Federal, State or Indian Court may be removed from office by a majority vote of the eligible voters of the Community Council.

"SEC. 3. The Community Council may, by a majority vote of the eligible voters, expel any officer of the Council for neglect of duty or gross misconduct; Provided, That the accused shall be given an opportunity to answer any and all charges at a designated Council meeting. The decision of the Council shall be final."

CERTIFICATION OF ADOPTION

Pursuant to an order, approved April 13, 1940, by the Assistant Secretary of the Interior, the attached Amendments to the Constitution and By-laws for the Kashia Band of Pomo Indians of the Stewarts Point Rancheria were submitted for ratification to the qualified voters of the Band, ond on May 19, 1940, Amendment I was adopted by a vote of 22 for, and none against, and Amendment II was adopted by a vote of 19 for, and 3 against, in an election in which more than 30 percent of those entitled to vote cast their ballots in accordance with Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended by the Act of June 15, 1935 (49 Stat. 378).

JOHN R. SMITH,
Chairman, Community Council.

GLADYS J. ANTONE,
Secretary, Community Co ncil.

ROY NASH,
Superintendent, Sacramento Agency.

I, Oscar L. Chapman, the Assistant Secretary of the Interior of the United States of America, by virtue of the authority granted me by the Act of June 18, 1934 (48 Stat. 984), as amended, do hereby approve the attached Amendments to the Constitution and By-laws of the Kashia Band of Pomo Indians of the Stewarts Point Rancheria.

Approval recommended: July 10, 1940.

F. H. DAIKER,
Assistant to the Commissioner.

OSCAR L. CHAPMAN,
Assistant Cecretary.

WASHINGTON, D.C., July 12, 1940. [SEAL]

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# CONSTITUTION AND BY-LAWS OF THE UPPER LAKE POMO INDIAN COMMUNITY, CALIFORNIA

Ratified October 22, 1941, as Amendment III to the Constitution and By-laws of the Upper Lake Band of Pomo Indians of the Upper Lake Rancheria.

## PREAMBLE

We, the people of the Upper Lake Band of Pomo Indians, in order to establish a legal community organization to be known henceforth as the Upper Lake Pomo Indian Community, and to secure certain privileges and powers offered to us by the Indian Reorganization Act, do ordain and establish this Constitution and By-laws.

## ARTICLE I — TERRITORY

The jurisdiction of the Upper Lake Pomo Indian Community shall extend to all lands now within the confines of the Upper Lake Rancheria and the Pomo Reservation, provided that the Indians of the Pomo Reservation, shall agree by majority vote to make their lands a part of the Upper Lake Pomo Indian Community, and shall further extend to such other lands as may hereafter be added thereto.

## ARTICLE II — MEMBERSHIP

SECTION 1. The membership of the Upper Lake Pomo Indian Community shall consist of:

(a) All persons of Indian blood whose names appear on the official census of the Sacramento Indian Agency for the Upper Lake Rancheria, as of April 1, 1935.

(b) All persons of Indian blood whose names appear on the official census of the Sacramento Indian Agency for the Pomo Reservation, as of November 13, 1940, provided that such Indians make written application for membership in the Community.

(c) All children born to any member of the Upper Lake Pomo Indian Community who is a resident of the Community at the time of the birth of said children.

SEC. 2. The Executive Committee shall have the power to promulgate ordinances, subject to review by the Secretary of the Interior, covering future membership and the adoption of new members, when the resources of the Community make such adoptions feasible.

## ARTICLE III — GOVERNING BODY

SECTION 1. The governing body of the Upper Lake Pomo Indian Community shall be known as the Executive Committee and shall be composed of seven (7) committeemen to be elected by secret ballot.

SEC. 2. All enrolled members of the Upper Lake Pomo Indian Community who are 21 years of age or over and who have maintained legal residence in the Community for a period of one year immediately prior to any election are qualified voters at such election.

SEC. 3. The officers of the Executive Committee shall be the Chairman, Vice-Chairman and Secretary-Treasurer, who shall be selected by the Executive Committee from its own membership at the first meeting after each election.

SEC. 4. The committeemen shall hold office for a term of two years, or until their successors are elected, except as hereinafter provided.

SEC. 5. Within thirty days after the ratification and approval of this amendment, a general meeting of the Upper Lake Pomo Indian Community shall be held to elect the officers named in Section 1, Article III, and to transact such other business as may be necessary.

## ARTICLE IV — NOMINATIONS AND ELECTIONS

SECTION 1. The seven committeemen shall be elected at a general meeting of the Community at which at least 30 percent of the eligible voters shall be present. To be eligible for nomination a candidate must have reached his or her twenty-first birthday and be a regularly qualified member of the Community.

SEC. 2. The four members of the Executive Committee receiving the highest vote at the November 1941 election shall hold office for two years; the three receiving the lowest vote shall hold office for a period of one year; thereafter vacancies shall be filled at annual elections held on the second Thursday each November.

SEC. 3. The Executive Committee or a board appointed by the Executive Committee, shall determine rules and regulations governing elections and shall certify to the election of members of the Executive Committee.

## ARTICLE V — VACANCIES AND REMOVAL FROM OFFICE

SECTION 1. Any officer or committeeman who may resign, die or be removed from office shall be replaced at a regular or special meeting of the Executive Committee, to serve the unexpired term.

SEC. 2. Any officer or committeeman convicted of a felony or misdemeanor involving dishonesty in any Federal, State or Indian Court may be removed from office by a majority vote of the Executive Committee.

SEC. 3. In order to expel any officer or committeeman for neglect of duty or gross misconduct, a majority vote of the general community will be necessary; Provided, That the accused shall be given an opportunity to answer any and all charges at a designated general community meeting called for that purpose. The decision reached at this meeting shall be final.

## ARTICLE VI — POWERS OF THE EXECUTIVE COMMITTEE

SECTION 1. Enumerated Powers.—The Executive Committee of the Upper Lake Pomo Indian Community shall exercise the following powers, subject to any limitations imposed by the statutes or the Constitution of the United States:

(a) To negotiate with the Federal, State and local governments;

(b) To employ legal counsel, the choice of counsel and fixing of fees to be subject to the approval of the Secretary of the Interior;

(c) To veto any sale, disposition, lease or encumbrance of tribal lands, interests in lands, or other tribal assets of the community;

(d) To advise the Secretary of the Interior with regard to all appropriation estimated for Federal projects for the benefit of the Upper Lake Pomo Indian Community prior to the submission of such estimates to the Bureau of the Budget and to Congress;

(e) To manage all economic affairs and enterprises of the Upper Lake Pomo Indian Community in accordance with the terms of a charter that may be issued to the Community by the Secretary of the Interior;

(f) To promulgate and enforce ordinances, which shall be subject to review by the Secretary of the Interior, governing the conduct of members of the Upper Lake Pomo Indian Community, providing for the manner of making, holding, and revoking assignments of tribal land or interests therein, providing for the levying of taxes and the appropriation of available tribal funds for public purposes, providing for the licensing of nonmembers coming into the Community for purposes of hunting, fishing, trading, or other business, and for the exclusion from the territory of the Community, of persons not so licensed, and establishing proper agencies for the enforcement of such ordinances within the Upper Lake Pomo Indian Community;

(g) To charter subordinate organizations for economic purposes and to delegate to such organizations, or to any subordinate boards or officials of the Community, any of the foregoing power, reserving the right to review any action taken by virtue of such delegated power;

(h) To adopt resolutions not inconsistent with this Constitution and the attached By-laws, regulating the procedure of the Committee itself and, also, of other tribal agencies, tribal officials, or tribal organizations of the Upper Lake Pomo Indian Community.

SEC. 2. Future powers.—The Executive Committee may exercise such further powers as may in the future be delegated to the Committee by members of the Community or by the Secretary of the Interior or any other duly authorized official or agency of the State or Federal government.

SEC. 3. Reserved powers.—Any rights and powers heretofore vested in the Upper Lake Pomo Indian Community, but not expressly referred to in this Constitution shall not be abridged by this article, but may be exercised by the people of the Upper Lake Pomo Indian Community through the adoption of appropriate by-laws and constitutional amendments.

SEC. 4. Manner of review.—Any resolution or ordinance which by the terms of this Constitution, is subject to review by the Secretary of the Interior, shall be presented to the superintendent in charge of the Community, who shall, within 15 days thereafter, approve or disapprove the same.

If the superintendent shall approve any ordinance or resolution, it shall thereupon become effective, but the superintendent shall transmit a copy of the same, bearing his endorsement, to the Secretary of the Interior, who may, within 90 days from the date of enactment, rescind the said ordinance or resolution for any cause, by notifying the Executive Committee of such decision.

If the superintendent shall refuse to approve any ordinance or resolution submitted

to him within 15 days after its enactment, he shall advise the Executive Committee of his reasons therefor. If these reasons appear to the Committee insufficient, it may, by a majority vote, refer the ordinance or resolution to the Secretary of the Interior, who may, within 90 days from the date of its enactment, approve the same in writing, whereupon the said ordinance or resolution shall become effective.

ARTICLE VII — AMENDMENTS

SECTION 1. This Constitution and By-laws may be amended by a majority vote of the qualified voters of the Community voting at an election called for that purpose by the Secretary of the Interior, provided that at least 30 percent of those entitled to vote shall vote in such election; but no amendment shall become effective until it shall have been approved by the Secretary of the Interior.

SEC. 2. At any regular or special Executive Committee meeting, amendments to this Constitution and By-laws may be proposed, to be acted upon at the next semiannual Executive Committee meeting. If approved by a majority vote at such meeting, the proposed amendment shall be submitted to the Secretary of the Interior who shall thereupon call an election upon the proposed amendment.

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BY-LAWS OF THE UPPER LAKE POMO INDIAN COMMUNITY

ARTICLE I — DUTIES OF OFFICERS

SECTION 1. Each officer elected or appointed hereunder shall take an oath of office prior to assuming the duties thereof, by which oath he shall pledge himself to support and defend the Constitution of the United States and this Constitution and By-laws. Oath: I, _____ do solemnly swear that I will support and defend the Constitution of the United States against all enemies; that I will carry out, faithfully and impartially, the duties of my office to the best of my ability; that I will cooperate, promote, and protect the best interests of my Community in accordance with this Constitution and By-laws.

SEC. 2. It shall be the duty of the Executive Committee and each member thereof to promote the general welfare of the members of this Community and to carry out the provisions and purposes of this Constitution and By-laws.

SEC. 3. It shall be the duty of the chairman to preside over all meetings of the Executive Committee and carry out all orders of the Committee. All members of the Committee and all subordinate officers shall assist the chairman in all proper ways to carry out the orders of the Committee.

SEC. 4. The secretary-treasurer shall keep a full report of all proceedings of each regular and special meeting of the Executive Committee and shall perform such other duties of like nature as the Committee shall from time to time by resolution provide, and shall transmit copies of the minutes of each meeting to the superintendent in charge of the Community and to the Commissioner of Indian Affairs.

The secretary-treasurer shall be the custodian of all moneys which may come under the jurisdiction or into the control of the Executive Committee. He shall pay out

money in accordance with the orders and resolutions of the Committee. He shall keep account of all receipts and disbursements and shall report the same to the Committee at each regular meeting. He shall be bonded in such an amount as the Executive Committee may by resolution, approved by the Commissioner of Indian Affairs, provide. The books of the secretary-treasurer shall be subject to audit or inspection at the direction of the Executive Committee or the Commissioner of Indian Affairs. Until the secretary-treasurer is bonded, the Executive Committee may make such provision for the custody and disbursement of funds as shall guarantee their safety and proper disbursement and use.

SEC. 5. The subordinate officers of the Executive Committee shall perform such duties as the Committee may from time to time provide by resolution.

SEC. 6. The order of business at any regular or special meeting of the Executive Committee shall be as follows:

1. Committee called to order.
2. Roll call.
3. Reading of minutes of previous meeting.
4. Reports of committees.
5. Report of the secretary-treasurer.
6. Reading of communications.
7. Unfinished business.
8. New business.
9. Adjournment.

## ARTICLE II — MEETINGS AND PROCEDURE

SECTION 1. The Executive Committee shall meet semiannually on the second Thursday of November and April of each year.

SEC. 2. All meetings of the Committee shall be open to members of the Community as auditors. Records of the Committee shall be open to any members of the Community.

SEC. 3. Five members of the Executive Committee shall constitute a quorum at any regular or special meeting. In the absence of both chairman and vice-chairman, the remaining Committee members may elect a temporary chairman to preside.

SEC. 4. Special meetings of the Executive Committee may be called by the Chairman or by three or more members of the Committee.

SEC. 5. The members of the Community may by petition signed by not less than 30 percent of the voters of the Community, initiate any measure they deem advisable. This petition shall be filed with the secretary-treasurer of the Committee. It shall be the duty of the Committee to call a special meeting of the voters within a period of ten days from the date of filing such petition to vote upon the measure.

SEC. 6. The members of the Community shall have the right, through a petition signed by not less than 30 percent of the eligible voters of the Community, to call a special election to revoke any act of the Committee. It shall be the duty of the Committee to call such election within ten days from the date of the filing of such petition with the secretary-treasurer of the Committee.

SEC. 7. The Executive Committee shall meet with the general communtiy at the November meeting to make a report of its activities for the past year and to discuss future plans.

ARTICLE III — RATIFICATION OF CONSTITUTION AND BY-LAWS

This Constitution and By-laws, when adopted by a majority vote of the voters of the Upper Lake Pomo Indian Community, voting at a special election called by the Secretary of the Interior, in which at least 30 percent of those entitled to vote shall vote, shall be submitted to the Secretary of the Interior for his approval, and shall be in force from the date of such approval.

CERTIFICATION OF ADOPTION

Pursuant to an order, approved May 20, 1941, by the Assistant Secretary of the Interior, the attached Amendment III to the Constitution and By-laws for the Upper Lake Band of Pomo Indians of the Upper Lake Rancheria, was submitted for ratification to the qualified voters of the rancheria, and on October 22, 1941, was duly ratified by a vote of 14 for, and none against, in an election in which over 30 percent of those entitled to vote cast their ballots, in accordance with section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended by the Act of June 15, 1935 (49 Stat. 378).

HARRIS GEORGE,
Chairman, Community Council.

RODNEY SNOW,
Secretary, Community Council.

EDWIN H. HOOPER,
Chief Clerk in Charge, Sacramento Agency.

I, Oscar L. Chapman, Assistant Secretary of the Interior of the United States of America, by virtue of the authority granted me by the Act of June 18, 1934 (48 Stat. 984), as amended, do hereby approve the attached Amendment III to the Constitution and By-laws for the Upper Lake Band of Pomo Indians of the Upper Lake Rancheria.

All rules and regulations heretofore promulgated by the Interior Department or by the Office of Indian Affairs, so far as they may be incompatible with any of the provisions of the said Constitution or By-laws are hereby declared inapplicable to the Upper Lake Pomo Indian Community.

All officers and employees of the Interior Department are ordered to abide by the provisions of the said Constitution and By-laws.

Approval recommended: October 30, 1941.

WALTER V. WOEHLKE,
Assistant to the Commissioner.

OSCAR L. CHAPMAN,
Assistant Secretary.

WASHINGTON, D.C., November 5, 1941.

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# CONSTITUTION AND BY-LAWS OF THE QUECHAN TRIBE

## FORT YUMA, CALIFORNIA

Approved December 18, 1936

### PREAMBLE

We, the members of the Quechan Indian Tribe of the Fort Yuma Indian Reservation, California, in order to establish justice, insure tranquility, promote the general welfare, safeguard our interests, and secure the blessings of freedom and liberty for ourselves and for our posterity, do

Hereby form and authorize a Tribal Council and we do ordain and establish this Constitution and set of Bylaws as an expression of the aims and purposes of such Quechan Tribal Council and as a guide to its deliberations.

### ARTICLE I — OBJECT AND PURPOSE

The object and purpose of the Quechan Tribal Council shall be to establish justice, insure individual, domestic, and tribal tranquility and to promote the general welfare of the individual members of the Quechan Tribe and of the Tribe as a whole; to represent the Quechan Tribe in all affairs; and to do all other things which will gain, or serve to gain for the people of the Quechan Tribe a richer culture and an assured economic independence.

### ARTICLE II — JURISDICTION AND MEMBERSHIP

SECTION 1. The jurisdiction of the Council and courts of the Quechan Tribe shall extend to the land now or hereafter comprised within the Fort Yuma Indian Reservation.

SEC. 2. The membership of the Quechan Tribe shall consist, in the first place, of all persons appearing on the April 1, 1934 census roll of the tribe. Secondly, all children of resident members shall be entitled to membership; and all children of non-resident members who are one-half or more Indian blood shall be entitled to membership. Finally, the Council shall have power to promulgate ordinances covering the adoption of new members. No person other than Indian shall be adopted in the Quechan Tribe who has not resided upon the reservation for a probationary period not to exceed five years, to be fixed by ordinance of the Tribal Council. Intermarried Indians or descendants of members may be adopted as full members of the Quechan Tribe, but non-Indians who may be adopted shall have no right to hold office or to receive assignments of land, or otherwise to share in the tribal property.

### ARTICLE III — ORGANIZATION OF COUNCIL

SECTION 1. The Quechan Tribal Council shall be composed of seven members of the Quechan Tribe, who shall be residents of the Fort Yuma Indian Reservation. They shall be elected to office by popular vote and shall serve as members of this Council for a term of two years from the date of installation. The members of the Council elected at the first election shall hold office until the first Monday in January, 1939, or until their successors shall have been regularly elected and qualified.

SEC. 2. Each adult member of the Tribe shall be entitled to cast one vote and the seven candidates receiving the highest number of votes shall be declared elected.

SEC. 3. The first election of the Tribal Council shall be held within thirty days after the ratification and approval of the Constitution and Bylaws and shall be called and supervised by the present Constitutional Committee.

SEC. 4. Thereafter, elections shall be held on the first Monday of January of each alternate year, and notice of such elections shall be posted in at least three conspicuous places on the reservation at least thirty days prior to the date of such election.

SEC. 5. Immediately after the election of members of the Council, members so elected shall assemble and perfect the Quechan Tribal Council organization by electing from their own members a President, and Vice-President. They shall also appoint from outside their own members a Tribal Secretary and a Tribal Treasurer. They shall also appoint such other boards, officers, and employees as may be necessary.

## ARTICLE IV — POWERS OF COUNCIL

SECTION 1. The Tribal Council shall have the power:

(a) To negotiate with the Federal, State, and local govennments on behalf of the Tribe;

(b) To present and prosecute any claims or demands of the Quechan Tribe;

(c) To assist members of the Tribe in presenting claims and grievances of a tribal nature before any court or agency of government;

(d) To employ legal counsel for the protection and advancement of the rights of the Tribe and its members, the choice of counsel and fixing of fees to be subject to the approval of the Secretary of the Interior.

(e) To revise the census roll of the Quechan Tribe within one year after the adoption of this Constitution, with the approval of the Secretary of the Interior.

SEC. 2. The Council shall have the power to prevent the sale, disposition, lease or incumbrance of tribal lands, interests in lands, or other tribal assets without the consent of the Tribe.

SEC. 3. The Council shall have the power to administer any funds or property within the control of the Tribe, but the exercise of this power shall be subject to approval by the Secretary of the Interior for a period of four years only from the date of the adoption of this Consitituton. It shall also have power to advise with the Secretary of the Interor upon all appropriation estimates or Federal projects for the benefit of the Tribe prior to the submission of such estimates to the Bureau of the Budget and Congress, and to make prompt recommendations to the Secretary of the Interior or to the proper committees of Congrees with respect to all such estimates and appropriations.

SEC. 4. The Council shall have the power to select subordinate boards, officials, and employees not otherwise provided for in this Constitution and to prescribe their

tenure and duties. It shall have the power to make expenditures from available funds for public purposes, including salaries or other remuneration of community officials or employees subject to the restrictions in Section 3 of this article. Such salaries or remuneration shall only be paid for services actually authorized in a regular and legal manner and actually rendered and the amount or amounts so paid shall be a matter of public record at all times.

SEC. 5. The Council shall have the power, when just cause or extreme emergency exists which shall create a hazard to the peace and safety of the Tribe as a whole or to the individual members thereof, to require the individual members of the Tribe to assist in community labor.

SEC. 6. The Council shall have the power to regulate, license and levy fees upon non-members doing business within the jurisdiction of the Tribe. This shall not apply to churches or schools.

SEC. 7. The Council shall have the power to promulgate ordinances for the purpose of safeguarding the peace and safety of residents of the Fort Yuma Indian Reservation, and to establish minor courts for the adjudication of claims or disputes arising amongst the members of the Tribe and for the trial and punishment of members of the Tribe charged with the commission of offenses set forth in such ordinances.

SEC. 8. The Council shall have the power to purchase under condemnation proceedings in State or Federal courts of competent jursidiction land or other property needed for public purposes.

SEC. 9. The Council shall have power to charter subordinate organizations for economic purposes, and to regulate the activities of cooperative associations of members of the Quechan Tribe through ordinances which shall be subject to approval by the Secretary of the Interior.

SEC. 10. The Council shall have the power to prescribe rules of inheritance, except concerning allotted lands under present laws, and to receive voluntary relinquishments of allotments and heirship lands and to issue assignments of land to members of the Tribe upon such conditions as may be laid down in the Bylaws.

SEC. 11. The Council shall have the power to encourage and protect the public health and morals and to promote the public welfare by appropriate regulation of the activities of members of the Tribe.

SEC. 12. The Council shall have the power to regulate the domestic relations of members of the Tribe.

SEC. 13. The Council shall have the power to provide by ordinance for the appointment of guardians for minors and mental incompetents.

SEC. 14. The Council may exercise such further powers as may be delegated to the Quechan Tribal Council by qualified officials or agencies of government.

SEC. 15. The Council shall have power to regulate its own procedure by ordinance or resolution.

SEC. 16. All ordinances and resolutions governing the adoption of new members (Article II, Section 2); the licensing and levying of fees on non-members (Article IV,

Section 6); the regulations of inheritance (Article IV, Section 10); and the appointment of guardians (Article IV, Section 13); shall be subject to the approval of the Secretary of the Interior.

SEC. 17. The foregoing enumeration of powers shall not be construed to limit the powers of the Quechan Tribe, but all powers of local government not expressly entrusted to the Tribal Council by this Constitution shall be reserved to the people of the Quechan Tribe, and such powers may be exercised through the adoption of appropriate bylaws or constitutional amendments.

SEC. 18. All ordinances or resolutions pursuant to the exercise of any power enumerated in this article shall be consistent with the laws established by the United States Government, and by the State of California and any political subdivision thereof, insofar as such laws may apply to members of the Quechan Tribe resident upon the Fort Yuma Reservation.

## ARTICLE V — NOMINATIONS AND ELECTIONS

SECTION 1. Nomination of candidates for any office in the Council shall be made as follows:

Any member of the Tribe whose name is presented, at least ten days prior to any election, to the Tribal Secretary or to the President, or in his absence, to the Vice-President of the Council, by petition signed by at least ten adult members of the Tribe, shall be declared by the Council to be regularly nominated and to be a candidate for the office indicated in such petition.

SEC. 2. It shall be the duty of the Council to see that all nominations for tribal office, including membership in the Council, shall be made in strict accord with the provisions of the Constitution. It shall be the further duty of the Council to certify to the legality of such nominations within ten days after such nominations, and no nomination shall be considered legal and of effect until so certified by the Council.

SEC. 3. It shall be the duty of the Council to see that all elections for tribal office are held in strict conformity to the provisions of the Constitution.

SEC. 4. All necessary details concerning tribal nominations and elections not specifically covered in this article shall be more fully set forth in ordinances to be hereafter established by the Council.

## ARTICLE VI — VACANCIES

SECTION 1. If any member of the Council shall remain absent from any three consecutive regular or special meetings without sufficient reason, he shall automatically forfeit his office, and the Council shall proceed to fill the office in the regular manner provided herein.

SEC. 2. Any member of the Council who shall be convicted of any felony or of accepting any bribe shall automatically forfeit his office.

SEC. 3. The members of the Tribe shall have the power to recall any member of the Council who has served for at least six months. They may exercise this power by preferring charges and by presenting petitions stating these charges, which petitions

shall be presented for popular vote in the manner set forth in the following article providing for the exercise of the power of veto.

SEC. 4. The ballot used at such recall election shall contain the question: Shall (name of member) be recalled from office on the Quechan Council? and shall contain a space opposite such question in which the words "Yes--No", where the voter shall indicate by making a mark whether he wishes to vote for or against the recall of the member so named.

SEC. 5. In the event of a vacancy, from any cause whatever, it shall be the duty of the Council to assemble immediately and select from the eligible list of candidates from the previous election a person or persons to fill such vacancy, except that where such vacancy shall occur less than thirty days prior to a general election, then such vacancy shall be filled at such general election.

## ARTICLE VII -- POPULAR VETO

SECTION 1. The members of the Tribe shall have the power of veto over any ordinance or resolution of the Council, and such veto may be exercised in the following manner:

SEC. 2. Any member of the Tribe may circulate a petition amongst the adult members of the Tribe and such petition shall state fully the ordinance or resolution to which objection is made and the reason for the objection.

SEC. 3. If one hundred adult members of the Tribe shall sign such petition and shall then file such petition with the Tribal Secretary or with the President, or in his absence with the Vice-President, the Council shall forthwith suspend the operation of the ordinance or resolution which is challenged, and call an election in the regular manner, on the question of sustaining such veto.

SEC. 4. If a majority of the adult members of the Tribe shall vote to sustain such veto, the ordinance or resolution so vetoed shall thereafter have no force or effect.

## ARTICLE VII -- LAND

SECTION 1. The unallotted lands of the Fort Yuma Reservation and all lands which may be acquired in the future by or for the Quechan Tribe shall be held as tribal lands forever.

SEC. 2. Tribal lands may be assigned to members of the Tribe in conformity with the following provisions:

(a) Assignments of land shall be held for life, but after the death of an assignee, his requests or his heirs shall be given due consideration in the reassignment of the land.

(b) Every member of the Tribe who is the head of a family who has no allotted land or who voluntarily agrees to surrender title to his or her land to the Tribe shall be entitled to receive an assignment of tribal land.

(c) The amount of such assignment shall be based upon a calculation of the land available for assignment, the number of applicants for the available land, the

number of dependents in the family, and the amount of land that each family can beneficially use.

(d) The assignments may be made either of specific tracts of land or of shares in larger tracts which are to be used for grazing or other purposes by many individuals in common.

SEC. 3. Tribal land which is not assigned may be used for public purposes or leased by the Tribal Council in accordance with law, the proceeds of such leases to accrue to the Tribal Treasury to be used for the support of the helpless and for other public purposes.

SEC. 4. The Council shall prepare and submit to popular vote a comprehensive set of Bylaws covering the conditions under which the assignments of tribal land shall be made, the amounts of land to be assigned, the form of agreement to be signed by the assignee, and the manner of proceeding in the acceptance of relinquishments covering allotments and heirship lands and the awarding of assignments.

## ARTICLE IX — NON-PARTISAN NON-SECTARIAN

SECTION 1. The Council shall at all times be non-partisan and non-sectarian in character.

SEC. 2. Nothing herein stated in this article shall serve to prevent the exercise of free speech and action in any matter not having to do with the deliberations of the Council.

## ARTICLE X — AMENDMENTS

This Constitution and the appended Bylaws may be amended by a majority vote of the qualified voters of the Tribe voting at an election called for that purpose by the Secretary of the Interior: Provided, That at least thirty percent of those entitled to vote shall vote in such election; but no amendment shall become effective until it shall have been approved by the Secretary of the Interior. It shall be the duty of the Secretary of the Interior to call an election on any proposed amendment, at the request of the Council, or upon presentation of a petition signed by one hundred eligible voters, members of the Tribe.

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## BY-LAWS OF THE QUECHAN TRIBE

## ARTICLE I — DUTIES OF OFFICERS

SECTION 1. It shall be the duty of the President to preside at all meetings of the Council.

SEC. 2. The Vice-President shall preside in the absence of the President. When so presiding he shall have all the rights, privileges and duties as well as the responsibilities of the President.

SEC. 3. In order to insure the greatest measure of competency and efficiency, it shall be the first duty of the Tribal Council to give careful and impartial consideration to the selection of a secretary to the Quechan Tribe Council. Such selection

shall be made upon the basis of the candidates' qualification.

It shall be the duty of the Secretary to keep a true record of all matters affecting the tribal records and accounts, and to render proper accounting of such records and statistics as are required by the Tribal Council. He shall also be present at all meetings of the Council and shall keep an accurate record of all Council proceedings. It shall be his duty to make a record of the minutes of such meetings in quadruplicate, and he shall retain the original copy of such records in the Quechan Tribal Council files and shall immediately forward one copy of such record to the Superintendent of the reservation and shall forward the two remaining copies of such records direct to the office of the Commissioner of Indian Affairs. The Secretary shall have no voice in the deliberations of the Council nor shall he have a vote in any matter before the Council.

SEC. 4. The same careful and impartial consideratinn as outlined in the preceding section shall be observed by the Tribal Council in the selection of a treasurer. It shall be the Treasurer's duty to accept, receive, receipt for, preserve, and safeguard all funds in the custody of the Council, whether same be tribal funds or special funds for which the Council is acting as trustee or custodian. He shall deposit all such funds in such bank or elsewhere as directed by the Council and shall make and preserve a true record of such funds and shall report on all receipts and expenditures and the amount and nature of all funds in his possession or custody at least once each six months, such report being made in writing to the Council. He shall make a report on any and all funds in his possession or custody at other times, upon the request so to do by the Council. He shall not pay out or otherwise disburse any funds in his possession or custody, or in the possession or custody of the Quechan Tribal Council, except when properly authorized so to do by resolution duly passed and properly recorded by the Council.

The books and records of the Tribal Treasurer shall be audited at least once each year by a competent auditor employed by the Council and at such other times as the Council or the Tribe as a whole or the Commissioner of Indian Affairs may direct.

The Treasurer shall be required to give a bond satisfactory to the Council and to the Secretary of the Interior; until the Treasurer is bonded the Tribal Council may make provision for the proper custody and disbursements of funds in order to guarantee their safety and proper disbursement and use. The Treasurer shall be present at all regular and special meetings of the Quechan Tribal Council, but will have no voice in the deliberations of the Council nor a vote in any matter before the Council.

SEC. 5. The Sergeant-at-arms of the Quechan Tribal Council shall be appointed by the members of the Council. It shall be his duty to be present at all meetings of the Tribal Council, and to maintain order and decorum within the council chamber and to perform such other duties as may be designated or ordered by the Council. He shall serve all summonses emanating from the Quechan Tribal Council and shall make proper returns on same. He shall have no voice or vote in the deliberations of the Council.

## ARTICLE II -- MEETINGS OF THE TRIBAL COUNCIL

SECTION 1. Regular meetings of the Council shall be on the first Tuesday of each month; but special meetings may be called at other times by the President, or in his absence by the Vice-President; and it shall be the duty of the officer calling such meeting to transmit to each member notice of such meeting, in writing, at least twenty-four hours before the time of such meeting.

ARTICLE II — MEETINGS OF THE TRIBAL COUNCIL

SECTION 1. Regular meetings of the Council shall be on the first Tuesday of each month; but special meetings may be called at other times by the President, or in his absence by the Vice-President; and it shall be the duty of the officer calling such meeting to transmit to each member notice of such meeting, in writing, at least twenty-four hours before the time of such meeting.

SEC. 2. Special meetings of the Council shall also be held upon written request of either four members of the Council or twenty-five adult members of the Tribe, and when such written request is made and filed with the Secretary, President, or Vice-President of the Council, the members of the Council shall be ordered to assemble at the time specified.

SEC. 3. Four members of the Council including the President or Vice-President shall constitute a quorum.

ARTICLE III — CONDUCT OF MEETINGS

All meetings of the Council shall be open to all members of the Tribe. Balloting at all meetings shall be by roll call, or by a rising vote.

ARTICLE IV — MINUTES AND RECORDS

SECTION 1. It shall be the duty of the Council to exercise care and caution to the end that a complete and full record is preserved on all acts of the Council and of all committees appointed therefrom. True copies of all such records shall be preserved in the files of the Council and true copies of all necessary records shall be transmitted to such bureaus, departments or elsewhere as may be required.

SEC. 2. All records of the Council and its committees or delegates shall at all times be matter of public record. Any member of the Quechan Tribe shall have full and free access to same during business hours.

SEC. 3. Copies of all leases, contracts, deeds, or assignments and all other papers or documents pertaining to lands of any nature on the reservation shall be carefully preserved by the Council, and insofar as it possible all other documents affecting the rights and equities of the Tribe as a whole or the individual members thereof shall be kept and preserved, in order that such information shall be at all times available to the Council and to the individual members of the Tribe.

ARTICLE V — TRIBAL CLAIMS

The Council shall make a thorough survey, research, investigation and study of the history and title of all lands which are now tribal in character or that have been tribal in character in times past, and shall endeavor to reestablish the tribal equity, if any, in such lands so as to obtain through proper channels just compensation for such lands, which it shall find to have been unlawfully removed from the present jurisdiction of the Tribe and without just compensation.

ARTICLE VI — GUARDIANSHIP OF MINORS AND INCOMPETENTS

The Council shall pass all necessary ordinances whereby the rights of minors and incompetents shall be properly safeguarded and shall see that the administration of

such funds and other assets shall be for the exclusive benefit of such minors or incompetents. It shall be the duty of the Council to make semi-annual reports concerning all such guardianship funds or assets and such reports shall be matters of public record.

ARTICLE VII — CHARITY

The Council shall recognize the responsibilities of tribal self-government and shall at all times determine in a careful manner what constitutes just cause for charity. It shall seek the assistacce of such charitable organizations as are consistent with its purposes, and it shall cooperate in every manner with those agencies which truly seek to render assistance or aid to the poor and needy.

ARTICLE VIII — PRACTICE OF MEDICINE UPON THE RESERVATION

The Council shall prevent by ordinance or otherwise the unauthorized practice of medicine upon the Reservation, and shall require that any non-member of the Tribe who seeks to practice medicine upon the reservation or to deal in drugs or medicinal supplies shall prove to their satisfaction that he is qualified to do so by the laws of the State of California, or of the Federal Government. Nothing in this section, however, shall serve to apply to or interfere with those members of the Tribe who seek to use native remedies or practices in curing illness or disease.

ARTICLE IX — EDUCATION

The Council shall cooperate with all educational agencies in seeking to promote and increase learning and education amongst the members of the Tribe.

ARTICLE X — SOCIAL WELFARE

The Council shall foster a high type of social welfare work amongst the residents of the reservation, and it shall encourage and promote by every practical means a proper system of social and home education in home economics, social hygiene, home demonstrations, agronomy and farm demonstrations, and it shall lend full support and cooperation to several state, county and Federal departments and agencies which seek to promote such social welfare and agricultural development. It shall aid and assist in any other community activity whereby the economic, financial, or social betterment of the people of the Tribe may be brought about.

ARTICLE XI — HUNTING AND FISHING ON THE RESERVATION

The Council shall pass ordinances for the control of hunting and fishing upon the reservation consistent with Federal laws and applicable game preservation practices.

ARTICLE XII — PROSPECTING AND MINING

It shall be the duty of the Council to pass rules and regulations to prevent unauthorized prospecting or mining of any kind upon the reservation and to see that such rules and regulations are properly enforced.

ARTICLE XIII — TRIBAL POLICE FORCE

It shall be the duty of the Council to cooperate with the Federal Government in establishing a tribal police force which shall have full jurisdiction upon the reservation in all cases not falling within the exclusive jurisdiction of Federal or State

Courts.

ARTICLE XIV — ADOPTION

This Constitution and Bylaws, when ratified by a majority vote of the qualified voters of the Quechan Indian Tribe voting at a special election called for the purpose by the Secretary of the Interior, provided that at least thirty percent of those entitled to vote shall vote in such election, shall be submitted to the Secretary of the Interior, and, if approved, shall be effective from the date of approval.

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CERTIFICATION OF ADOPTION

Pursuant to an order, approved November 3, 1936, by the Secretary of the Interior, the attached Constitution and Bylaws were submitted for ratification to the members of the Quechan Tribe of the Fort Yuma Agency and were on November 28, 1936, duly ratified by a vote of 129 for, and 116 against, in an election in which over 30 percent of those entitled to vote cast their ballots, in accordance with section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended by the Act of June 15, 1935 (49 Stat. 378).

HENRY CHAPRO,
Chairman of Election Baord

EDWARD ROOSEVELT,
Chairman of Tribal Council

CLARENCE OLSON
Secretary of the Tribal Council

C. H. GENSLER, Superintendent

***

I, Harold L. Ickes, the Secretary of the Interior of the United States of America, by virtue of the authority granted me by the Act of June 18, 1934 (48 Stat. 984), as amended do hereby approve the attached Constitution and Bylaws of the Quechan Tribe.

All rules and regulations heretofore promulgated by the Interior Department or by the Office of Indian Affairs, so far as they may be incompatible with any of the provisions of the said Cons titution and Bylaws are hereby declared inapplicable to the Quechan Tribe.

All officers and employees of the Interior Department are ordered to abide by the provisions of the said Constitution and Bylaws.

Approval recommended December 11, 1936.

JOHN COLLIER
Commissioner of Indian Affairs.

HAROLD L. ICKES
Secretary of the Interior.

WASHINGTON, D.C., December 18, 1936. [SEAL]

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# ARTICLES OF COMMUNITY ORGANIZATION OF THE SANTA ROSA INDIAN COMMUNITY, SANTA ROSA RANCHERIA

Kings County, California

## PREAMBLE

We, the people of the Santa Rosa (Tache) Rancheria, located near the town of Lemoore, California, in order to establish a community organization and to promote our common welfare do hereby adopt the following Articles of Organization.

## ARTICLE I — NAME

The name of this organization shall be the Santa Rosa Indian Community, hereinafter referred to as the Community.

## ARTICLE II — TERRITORY

The jurisdiction of the Community shall extend to the lands now or hereafter comprising the Santa Rosa Rancheria. There are at present one hundred and seventy (170) acres of rancheria land located in Kings County, California.

## ARTICLE III — MEMBERSHIP

SECTION 1. Membership in the Community shall consist of:

A. Persons of not less that 1/4 degree California Indian blood who hold valid assignments on the Santa Rosa Rancheria and their spouses of not less than one-fourth (1/4) degree California Indian blood.

B. Descendants of members, provided such descendants are of not less than one fourth (1/4) degree California Indian blood and are residing on the rancheria in the household of the member through whom membership is claimed.

SEC. 2. The Business Committee, as provided for in Article IV, shall keep the membership roll current by removing the names of persons who become ineligible for membership or who relinquish their membership in writing, and by adding the names of new members.

## ARTICLE IV — GOVERNING BODY

SECTION 1. The governing body of the Community shall be the General Council which shall consist of all members twenty-one (21) years of age or over. Each member of the General Council is also a qualified voter.

SEC. 2. The General Council shall elect from its membership by secret ballot, a Chairman, a Vice-Chairman, a Secretary, a Treasurer, two delegates, and such other officers as it may deem necessary to serve as a Business Committee which is empowered to represent the Community in all negotiations and relationships between the Community and local, State, and Federal governments or agencies, provided, that the Business Committee shall not commit the Community in any contract, lease, or other arrangement unless specifically authorized by resolution of the General Council.

SEC. 3. Elections of officers shall be held at the April meeting of each odd-numbered year. Any member shall, if duly nominated and elected, have the right to hold office. Nominations shall be from the floor at a General Council meeting held specially for that purpose at least two weeks before the election.

SEC. 4. All elections, whether for office or referendum, shall be conducted in accordance with an ordinance or ordinances adopted by the General Council and shall be supervised by an election board to be composed of two members of the Business Committee and two members of the General Council. The election ordinance shall specify the form of the ballot,the polling place, the requirements for public notice, the duties of the election board, the use of absentee ballots, and such other procedures as are deemed necessary to provide a democratic selection.

SEC. 5. The officers elected at the election preceding the adoption of these articles shall serve as an interim committee until the next election to be held in accordance with Section 3 of this Article. Thereafter, terms of office shall be for two years or until successors are elected.

SEC. 6. Meetings of the General Council shall be held on the second Wednesday of each month. Special meetings may be called at any other time by the Chairman or a majority of the members. Special meetings shall be publicly noticed for at least ten (10) days in advance of the meetings.

SEC. 7. Fifty-one (51) percent of the qualified voters of the Community shall constitute a quorum and no business shall be conducted in the absence of a quorum.

## ARTICLE V — VACANCIES AND RECALL

SECTION 1. If an officer shall die, resign, or be recalled from his office or found guilty of a felony in any State or Federal court, the office shall be automatically vacated.

SEC. 2. Any office which is vacated shall be filled by the General Council at its next meeting and such replacement shall serve the unexpired term of office.

SEC. 3. Upon receipt of a petition signed by twenty-five percent (25%) of the qualified voters calling for the recall of an officer, the Business Committee shall hold a recall election within thirty (30) days. The decision of a majority of those voting in such recall election shall govern provided that at least sixty-six and two-thirds percent (66 2/3%) of the eligible voters shall vote in the election.

## ARTICLE VI — POWERS OF THE GOVERNING BODY

SECTION 1. The General Council shall have the powers and responsibilities hereafter provided, subject to any limitation imposed by the statutes or the Constitution of the United States.

A. To negotiate with Federal, State, and local governments and to advise and consult with representatives of the Bureau of Indian Affairs on all activities of the Bureau as they may affect the rancheria.

B. To employ legal counsel, the choice of counsel and fixing of fees to be subject to the approval of the Secretary of the Interior or his authorized representative.

C. To veto any sale, disposition, lease or encumbrance of community lands, interests in lands, or other assets of the Community made by any authority other than the General Council.

D. To establish rules or procedures for the conduct of its affairs.

The following powers shall be set forth in ordinances or resolutions passed by the General Council and approved by the Commissioner of Indian Affairs.

E. To make assignments of rancheria lands and to lease rancheria lands.

F. To administer community assets and to manage all economic affairs and enterprises of the community.

G. To acquire property and to accept gifts.

H. To borrow money and pledge the assets of the Community.

I. To assess fees for payment of expenses of the Community.

J. To control future membership, loss of membership and the adoption of members.

K. To delegate any of its authorities or responsibilities to the Business Committee or any other committee which it might establish.

SEC. 2. Any rights and powers heretofore vested in the General Council, but not expressly referred to in this Article, shall not be lost by reason of their omission but may be exercised through the adoption of appropriate bylaws or amendments.

ARTICLE VII -- AMENDMENTS

Amendments to these Articles of Organization may be proposed by a majority vote of the Community and may be ratified and approved in the same manner as these Articles of Organization.

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BY-LAWS OF THE SANTA ROSA INDIAN COMMUNITY

OF THE SANTA ROSA RNACHERIA

ARTICLE I — DUTIES OF OFFICERS

SECTION 1. The Chairman shall preside at all meetings of the General Council and the Business Committee. He shall execute on behalf of the Community all contracts, leases, or other documents approved by the General Council. He shall have general supervision of all other officers, employees, and committees of the Community and see that their duties are properly performed. When neither the General Council nor the Business Committee is in session, he shall be the official representative of the Community. The Chariman shall vote in the case of a tie vote in either the General Council or Business Committee meetings.

SEC. 2. The Vice-Chairman in the absence of the Chairman shall have the power and authority of the Chairman and may, if authorized by the Chairman, assist the Chairman in the performance of his duties.

SEC. 3. The Secretary shall keep the minutes of all Community and Business Committee meetings and shall certify the enactment of all resolutions and ordinances. He shall attend to the giving of all notices required by the Constitution and shall receive all petitions provided for in the Articles on behalf of the General Council. Copies of all minutes, resolutions, or other enactments shall be submitted to the Commissioner of Indian Affairs through the local office of the Bureau of Indian Affairs as soon after enactment as possible.

SEC. 4. The Treasurer shall have care and custody of all valuables of the Community. He shall carry out the financial directives of the General Council, receive all local monies of the Community and keep an accurate account of receipts and disbursements. Funds shall be deposited in a Community account in a local bank selected by the General Council where depositor's funds are insured by Federal Deposit Insurance Corporation. All disbursements shall be made by check in accordance with resolutions of the General Council. He shall file a bond satisfactory to the General Council and the Commissioner of Indian Affairs when either are of the opinion sufficient funds have accumulated in the Community treasury. The General Council shall authorize the payment of the annual bond premium from the local Community funds. The Treasurer shall give a financial report at all General Council meetings and all financial records shall be available for inspection by officers of the General Council, members of the Community, and representatives of the Commissioner of Indian Affairs.

SEC. 5. The delegates shall assist the Chairman in carrying out the responsibilities assigned to the Business Committee by the General Council.

ARTICLE II — ADOPTION

These Articles of Organization, when adopted by a majority vote of the adult Indians residing on the Santa Rose (Kings County) Rancheria, voting at a special election called by the Secretary of the Interior at which at least thirty percent (30%) of those entitled to vote shall vote, shall be submitted to the Secretary of the Interior for his approval, and shall be effective from the date of such approval.

***

CERTIFICATION OF ADOPTION

Pursuant to an order approved _____1962, by the _____ Secretary of the Interior, the attached articles of Organization were submitted for ratification to the adult members of the Santa Rosa Rancheria and were on _____, duly ratified/rejected by a vote of _____ for and _____against, in an election in which at least thirty percent (30%) of those entitled to vote cast their ballots in accordance with Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended by the Act of June 15, 1935 (49 Stat. 378).

_____
Chairman, Santa Rosa Rancheria
Election Board

_____
Area Director

***

# CONSTITUTION AND BY-LAWS OF THE SUSANVILLE INDIAN RANCHERIA LASSEN COUNTY, CALIFORNIA

Approved March 10, 1969

## PREAMBLE

We, the adult Indian members of the Susanville Indian Rancheria in Lassen County, California, in order to establish a Rancheria organization, to protect our tribal customs, and to promote our common welfare, do hereby ordain and establish this Constitution and Bylaws, which will supersede the land assignment ordinance adopted January 12, 1963.

## ARTICLE I — TERRITORY

The jurisdiction of the Susanville Indian Rancheria shall extend to all lands now within its present boundaries, described as follows:

"A parcel of land in the County of Lassen, State of Califonnia, described as follows: Beginning at the southwest corner of the southeast quarter of the southwest quarter of Section 29, in Township 30 North of Range 12 East, Mount Diablo Meridian, running thence north 2640 feet; thence east 495 feet; thence south 2640 feet; thence west 495 feet to the place of beginning, containing 30.00 acres, more or less.,"

and to such other lands as may hereafter be added or acquired thereto under any law of the United States.

## ARTICLE II — MEMBERSHIP

SECTION 1. The membership shall consist of the following:

a. Persons of not less than one fourth (1/4) degree California Indian blood who hold valid assignments on the Susanville Indian Rancheria as of the effective date of this Constitution and Bylaws and persons who hereafter acquire valid assignments in accordance with the assignment ordinance, as provided in Article V, Section 1, and their spouses (of present and future assignees) of not less than one-fourth (1/4) degree California Indian blood, unless otherwise ineligible.

b. Descendants of persons in subsection "a" above, provided such descendants are not less than one-fourth (1/4) degree California Indian blood.

SEC. 2. Persons who meet the requirements of Section 1(a) or 1(b) of this Article, but who have been allotted on another reservation, or are officially enrolled with or are recognized members of some other tribe or band shall not be eligible for membership on the Susanville Indian Rancheria. A "recognized member of another tribe or band" is a person who has received a land-use assignment or has otherwise received benefits on another reservation or rancheria, except through inheritance.

SEC. 3. The official membership roll shall be prepared in accordance with rules and regulations prescribed in an ordinance adopted by the General Council and approved by the Secretary of the Interior. Such ordinance shall contain, among other things, provisions for an initial roll, enrollment committee, a requirement to complete an application form in order to be considered for enrollment, provisions for approval and disapproval of applications, rejection notice, appeals, and provisions for keeping the roll on a current basis.

SEC. 4. Admission to membership through adoption shall be governed in accordance with an ordinance enacted by the governing body, such ordinance to become effective upon approval by the Secretary of the Interior.

## ARTICLE III — GOVERNING BODY

SECTION 1. The governing body of the Susanville Indian Rancheria shall be the General Council which shall consist of all members 21 years of age or older. Each member of the General Council is also a qualified voter.

SEC. 2. The General Council shall elect from its membership by secret ballot a Business Committee consisting of a Chairman, a Vice-Chairman, and a Secretary-Treasurer. Such other committees can be appointed or elected as it may deem necessary from time to time.

SEC. 3. Officers of the Business Committee shall be elected every two years on the third Saturday of December, beginning in December of the year in which this organizational document is approved. Term of office shall be for two years or until successors are elected and installed. Any member 21 years of age or older, if duly nominated and elected, has the right to hold office. Nominations shall be from the floor at a General Council meeting held specifically for that purpose at least thirty days before the election. However, following approval of this organizational document, the officers of the Land Committee, as elected under the Assignment Ordinance, adopted January 12, 1963, shall serve as the Business Committee under this Constitution and Bylaws until the first regular election is held as provided herein.

SEC. 4. The candidates receiving the highest number of votes for their respective offices shall be declared elected. In case an election results in a tie vote, the Chairman shall order a new election for the office or offices in question.

SEC. 5. Except as provided in Article VI, all elections shall be conducted by the Business Committee, and voting will be by secret ballot with the name of each candidate and the office he seeks shown thereon. When requested, absentee ballot shall be furnished members who will be unable to attend the election, in ample time for them to be returned and included in the tally.

SEC. 6. Regular meetings of the General Council shall be held monthly on a day set by the Business Committee. Special meetings may be called by the Chairman or a majority of the adult members. One-third of the adult General Council members shall constitute a quorum, and no business shall be conducted in the absence of a quorum.

## ARTICLE IV — VACANCIES AND RECALL

SECTION 1. If an officer shall die, resign or be convicted of a felony in any state or federal court while in office, the office shall be automatically vacated. Any office which is vacated shall be filled by a special election at the next meeting,

and such replacemtne officer shall serve the unexpired term of the office.

SEC. 2. Upon receipt of a petition setting forth specific charges against the accused which is signed by not less than eighty percent (80%) of the voters for the recall of an office, the Business Committee shall hold a recall election within thirty (30) days. The accused will be given an opportunity to appear before the General Council to answer the charges against him, whereupon a secret ballot vote of guilty or not guilty will be conducted. The decision of a majority of those voting in such recall election shall govern, providing that at least eighty percent (80%) of those eligible to vote shall vote in the election.

ARTICLE V — POWERS OF THE GENERAL COUNCIL AND THE BUSINESS COMMITTEE

SECTION 1. The General Council shall have the powers and the responsibilities hereinafter provided, subject to any limitation imposed upon such powers by the Statutes of the United States or the State of California.

a. To consult, negotiate, contract or conclude agreements with federal, state, and local governments on activities which may affect the Susanville Indian Rancheria.

b. To employ legal counsel, the choice of counsel and fixing of fees to be subject to the approval of the Secretary of the Interior or his authorized representative.

c. To prevent the sale, disposition, lease or encumbrance of tribal lands, interests in lands, or other tribal assets without the consent of members of the Susanville Indian Rancheria.

d. The Secretary of the Interior shall advise the General Council or its Business Committee of all appropriation estimates or federal projects for the benefit of members of the Susanville Indian Rancheria prior to the submission of such estimates to the Bureau of the Budget and the Congress.

e. To administer assets and to manage all economic affairs and enterprises on unassigned lands of the Susanville Indian Rancheria.

f. To acquire property and to accept gifts.

g. To assess fees for payment of the expenses or to finance any project which is for the benefit to the members as a whole.

h. To establish rules of procedure for the conduct of its affairs.

The following powers shall be set forth in ordinances passed by the General Council and approved by the Secretary of the Interior or his authorized representative:

a. To make assignments of rancheria lands and to lease unassigned or acquired lands.

b. To prescribe rules and regulations governing loss of membership.

SEC. 2. The Business Committee shall have the following administrative powers and

duties, but shall not commit the Susanville Indian Rancheria to any contract, lease, or other arrangements unless it is so empowered by a duly enacted ordinance or resolution of the General Council:

a. To promulgate all ordinances, resolutions or other enactments of the Susanville Indian Rancheria.

b. Represent the members in all negotiations between the band and local, state and federal governments, their agencies and officers.

c. Faithfully advise the members of all aforementioned negotiations.

d. Appoint a Grievance Committee to assist the Business Committee in evaluating and making recommendations on grievances.

SEC. 3. Any rights and powers heretofore vested in the Susanville Indian Rancheria but not expressly referred to in this article shall not be lost by reason of their omission but may be exercised with the adoption of appropriate bylaws or amendments.

ARTICLE VI — AMENDMENTS

Amendments to this Constitution and Bylaws may be proposed by a majority vote of members of the Susanville Indian Rancheria, but elections on such amendments must be conducted in accordance with the Secretary of the Interior's regulations pertaining to elections of groups organized under Section 16 of the Indian Reorganization Act approved June 18, 1934 (48 Stat. 984), as amended.

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BYLAWS OF THE SUSANVILLE INDIAN RANCHERIA

SUSANVILLE, LASSEN COUNTY, CALIFORNIA

ARTICLE I — DUTIES OF OFFICERS

Newly elected officers shall assume their respective positions and duties immediately upon being elected.

SECTION 1. The Chairman shall preside at all meetings of the General Council and of the Business Committee and shall execute on behalf of the Rancheria all contracts, leases or other documents approved by the General Council and shall certify all ordinances and resolutions adopted by the General Council. He shall have general supervision of all other officers, employees and committees of the Rancheria and see that their duties are properly performed. When neither the General Council nor the Business Committee is in session, he shall be the official representative of the Rancheria.

SEC. 2. The Vice-Chairman shall assist the Chairman when called on to do so and, in the absence of the Chairman, shall have the duties of the Chairman.

SEC. 3. The Secretary-Treasurer shall keep the minutes of all meetings and shall attest to the enactment of all resolutions and ordinances. Copies of all minutes, resolutions and ordinances shall be submitted to the Bureau of Indian Affairs as soon after enactment as possible. He shall carry out the financial directives of the General Council, receive all local monies of the Rancheria, and keep an accurate account of the receipts and disbursements. Funds shall be deposited in the Rancheria account in a local bank selected by the General Council where depositor's funds are insured by Federal Deposit Insurance Corporation. All disbursements shall be made by check cosigned by the Chairman in accordance with resolutions of the General Council. He shall file a bond satisfactory to the General Council and the Area Director, when either are of the opinion sufficient funds have accumulated in the Rancheria treasury. The General Council shall authorize payment of the annual bond premium from the local Rancheria funds. The Secretary-Treasurer shall give a financial report to the General Council at each meeting and all financial records shall be available for inspection by all members of the Susanville Indian Rancheria, members of the General Council and representatives of the Bureau of Indian Affairs.

ARTICLE II — ADOPTION

This Constitution and Bylaws, when adopted by a majority vote of the qualified voters of the Susanville Indian Rancheria voting at an election authorized for that purpose by the Secretary of the Interior, provided that at least thirty percent (30%) of those entitled to vote shall vote in such an election, shall be submitted to the Secretary of the Interior, and, if approved, shall be effective from the date of such approval.

Adopted by vote of 12 for and 1 against
at duly authorized election held on
January 11, 1969.

APPROVAL

I, Walter J. Hickel, Secretary of the Interior of the United States of America, by virtue of the authority granted to me by the Act of June 18, 1934 (48 Stat. 984), as amended, do hereby approve the attached Constitution and Bylaws of the Susanville Indian Rancheria.

Approval recommended: February 12, 1969

(Sgd) T. W. Taylor.
Acting
Commissioner of Indian Affairs.

(Sgd) Walter J. Hickel

Secretary of the Interior.

[SEAL]

Washington, D. C.
Date: March 10, 1969.

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# ARTICLES OF ASSOCIATION OF THE

# CHER-AE HEIGHTS INDIAN COMMUNITY

## Trinidad Rancheria, California

## (Yurok)

## PREAMBLE

We, the people of the Trinidad Rancheria, located near the town of Trinidad, Humboldt County, California, desiring to have our tribal organization recognized by the Commissioner of Indian Affairs and to formulate procedures for governing the affairs of our rancheria, hereby adopt these Articles of Association.

1. NAME. The name of this organization shall be the Cher-ae Heights Indian Community of the Trinidad Rancheria, hereinafter referred to as the Community.

2. JURISDICTION. The jurisdiction of the Community shall extend to the lands now comprising the Trinidad Rancheria, and to such lands as may hereafter be added to the rancheria.

3. MEMBERSHIP.

A. Membership in the Cher-ae Heights Indian Community shall consist of:

1. All persons of California Indian blood who hold valid assignments of the Trinidad Rancheria.

2. Children of assignees who are at least one-eight (1/8) degree California Indian blood and who are residing on the Trinidad Rancheria as members of the household of the assignee through whom membership is claimed.

3. Those persons who otherwise meet the requirements for membership with this Community but are enrolled with another Indian group, band or tribe shall be disqualified for membership unless written evidence of relinquishment of membership rights at the other rancheria or reservation is furnished. Persons who have been named in an approved plan providing for the distribution of the assets of another rancheria or reservation shall not be eligible for membership.

B. The Business Committee shall keep the community membership roll current by removing the names of persons whose membership is terminated by death, cancellation or relinquishment of an assignment, loss or relinquishment of membership, and by adding the names of new assignees and their children who qualify as members.

C. For the purpose of defining residence on the Trinidad Rancheria, as used in A.2. of this section, absence due to school attendance, military service, or for temporary employment not to exceed a period of one year shall not be construed as reason for denying membership to persons otherwise qualified.

D. The Community Council shall have the power to enact ordinances which are not inconsistent with this document governing future membership, loss of membership and the adoption of members into the Community. Such ordinances shall be subject to approval by the Area Director.

4. GOVERNING BODY. The governing body shall be the Community Council, which shall consist of all members twenty-one (21) years of age or over. To implement its governing powers the Community Council shall elect from its membership a Chairman, Vice-Chairman, Secretary-Treasurer, and two additional members to serve as a Business Committee having such authority, responsibilities, and duties as hereinafter provided. Eligibility to serve on the Business Committee shall be restricted to those Community Council members who either reside on or have homes under construction on the Trinidad Rancheria. The terms of office for the Business Committee selected at the first election shall be three years for the Chairman and the Secretary-Treasurer, and two years for the other members. Thereafter, for all members the term of office shall be for two years or until their successors are elected.

5. ELECTIONS. All Community Council members twenty-one (21) years of age or over shall have the right to vote in community elections. All community elections shall be conducted by secret ballot and, to be official, at least fifty-one percent (51%) of the qualified voters must participate. Nominations for the Business Committee shall be made from the floor at a Community Council meeting called solely for the election of Business Committee members. All elections shall be conducted in accordance with an ordinance or ordinances adopted by the Community Council. The first election of the Business Committee shall be held within sixty (60) days from the date of approval of this document by the Commissioner of Indian Affairs. Such election shall be called by the Rancheria Chairman serving at that time.

6. VACANCIES AND RECALL. If a Business Committee member shall die, resign or be recalled from office or found guilty of a felony involving dishonesty, in any County, State or Federal court, the office shall be automatically vacated. Any such vacancy shall be filled by the Community Council at its next meeting and such replacement shall serve the unexpired term of office.

Upon receipt of a petition calling for the recall of an officer, signed by at least thirty percent (30%) of the eligible voters, the Business Committee shall within thirty (30) days schedule a recall election. In such election the majority vote shall govern, provided that at least fifty-one (51%) of the eligible voters participate.

7. POWERS OF THE COMMUNITY COUNCIL AND THE BUSINESS COMMITTEE.

A. Community Council. The Community Council shall have the following powers and responsibilities, subject to any limitation imposed by the statutes and the Constitutions of the United States and the State of California.

1. To manage, lease or otherwise administer tribal assets.

2. To employ legal counsel.

3. The Community Council shall establish its own rules of procedures for the conduct of its afairs and may by appropriate resolution or ordinance delegate to the Business Committee or to other committees any of the foregoing authorities or responsibilities.

4. Any rights and powers heretofore vested in the Community Council, but not herein expressed, shall not be lost to the Council, provided the continued exercise of such rights and powers are not contrary to the provisions of this document.

B. Business Committee. It shall be the duty and responsibility of the Business Committee to carry into effect all ordinances and resolutions or enactments of the governing body. In addition, it shall perform the duties and responsibilities delegated.

The Business Committee shall represent the Community Council in all negotiations and relationships between the Community Council and the local, State, and Federal governments, or agencies and officers thereof, and it shall be the responsibility of the Business Committee faithfully to report to the Community Council on all such negotiations. The Business Committee shall not be empowered to commit the Community Council in any contract, lease or other arrangement except when authorized by a duly enacted resolution or ordinance. The Business Committee shall be authorized to make assignments of tribal land in accordance with requirements and procedures outlined in an ordinance adopted by the Community Council and approved by the Area Director.

8. MEETINGS. The Community Council shall hold regular meetings in January, April, July, and October on dates designated by the Business Committee. A special meeting of the Community Council may be called by the Business Committee or by a petition signed by at least thirty percent (30%) of the eligible voters. No business shall be conducted in a Community Council meeting unless at least fifty-one percent (51%) of the members are present. All official Community Council meetings shall be publicly advertised for at least ten (10) days in advance.

Regular meetings of the Business Committee shall be held once a month at times and places to be specified by the Committee. The Chairman may convene the Business Committee when he considers a special meeting necessary, and he shall be obligated to call such a meeting when requested by a majority of the Business Committee members. A quorum shall consist of three members of the Business Committee and no business shall be conducted in the absence of a quorum.

9. DUTIES OF OFFICERS.

A. The Chairman shall preside at all meetings. He shall execute on behalf of the Community Council all contracts, leases or other documents approved by the Community Council. He shall have general supervision of all other officers, committees, and employees of the Community Council and shall see that their duties are properly performed. When neither the Community Council nor the Business Co mittee is in session, he shall be the official representative of the Community. The Chairman shall be entitled to vote in all meetings.

B. The Vice-Chairman shall, in the absence of the Chairman, have the powers and authority of the Chairman and may, if so authorized, assist the Chairman in the performance of his duties.

C. The Secretary-Treasurer shall keep the minutes of meetings of the Community Council and the Business Committee and shall conduct all official Community correspondence. He shall certify to all official enactments of both the Business Committee and the Community Council. He shall receive petitions on behalf of the Business Committee and shall give all notices provided for in this document.

Until the Secretary-Treasurer is under bond approved by the Area Director, the cost of such bond to be paid from tribal funds, the Sacramento Area Office of the Bureau of Indian Affairs shall serve as a depository for tribal funds. After the Secretary-Treasurer is bonded, Community funds on deposit in the Sacramento Area Office shall be transferred to the Community for deposit by the Secretary-Treasurer in a bank where deposits are insured under the Federal Deposit Insurance Corporation. The Secretary-Treasurer shall disburse funds only upon prior authority contained in a resolution approved by the Community Council. Disbursement shall be made only be check signed by the Secretary-Treasurer and co-signed by the Chairman.

D. The Committeemen shall assist the Chairman in carrying out the functions of the Business Committee.

10. APPROVAL. These Articles of Association shall become effective upon their approval by the Commissioner of Indian Affairs and shall remain in effect until such time as they may be amended by a majority vote of the members, provided that at least fifty-one percent (51%) of the eligible voters participate in the referendum. An amendment shall not become effective until approved by the Commissioner of Indian Affairs.

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CERTIFICATE OF ADOPTION

We, the undersigned, as duly elected members of the Business Committee of the Cher-ae Heights Indian Community, hereby certify that at a meeting of the Community Council, duly called and convened on April 8, 1961, at Trinidad, California, at which a majority of the members were present, the foregoing Articles of Association were adopted by a vote of 12 for and 0 against.

Signed:

Joy Sundberg
Chairman

Fred Lamberson, Jr.
Councilman

Henry Hancorne, Jr.
Vice-Chairman

John B. Black
Councilman

Jean Walker
Secretary-Treasurer

APPROVED
John O. Crow
Acting Commissioner

June 6, 1961
Date

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# CORPORATE CHARTER OF THE WASHOE TRIBE OF THE STATES OF NEVADA AND CALIFORNIA

Ratified February 27, 1937

A Federal Corporation Chartered Under the Act of June 18, 1934.

Whereas, the Washoe Tribe in the States of Nevada and California constitutes a recognized Indian Tribe organized under a Constitution and By-laws ratified by the members of the Washoe Tribe on December 16, 1935, and approved by the Secretary of the Interior on January 24, 1936, pursuant to Section 16 of the Act of June 18, 1934, (48 Stat. 984), as amended by the Act of June 15, 1935, (49 Stat. 378); and

Whereas, more than one-third of the adult members of the Tribe have petitioned that a charter of incorporation be granted to such Tribe, subject to ratification by a vote of the adult Indians living within the territory of the Tribe;

Now, therefore, I, Charles West, Acting Secretary of the Interior, by virtue of the authority conferred upon me by the said Act of June 18, 1934, (48 Stat. 984), do hereby issue and submit this charter of incorporation to the Washoe Tribe of Nevada and California to be effective from and after such time as it may be ratified by a majority vote of the adult Indians living within the Dresslerville Indian Colony, comprising the territory of the Tribe, at an election in which at least 30 percent of the eligible voters vote.

1. Corporate Existence. In order to further the economic development of the Washoe Tribe in the States of Nevada and California by conferring upon the said Tribe certain corporate rights, powers, privileges, and immunities; to secure for the members of the Tribe an assured economic independence; and to provide for the proper exercise by the Tribe of various functions heretofore performed by the Department of the Interior, the aforesaid Tribe is hereby chartered as a body politic and corporate of the United States of America, under the corporate name "The Washoe Tribe."

2. Perpetual Succession. The Washoe Tribe shall, as a Federal Corporation, have perpetual succession.

3. Membership. The Washoe Tribe shall be a membership corporation. Its members shall consist of all persons now or hereafter members of the Tribe, as provided by its duly ratified and approved Constitution and By-laws.

4. Management. The Washoe Tribal Council established in accordance with the said Constitution and By-laws of the Tribe, shall exercise all the corporate powers hereinafter enumerated.

5. Corporate Powers. The Tribe, subject to any restrictions contained in the Constitution and laws of the United States, or in the Constitution and By-laws of the said Tribe, shall have the following corporate powers, in addition to all powers already conferred or guaranteed by the Tribal Constitution and By-laws:

(a) To adopt, use, and alter at its pleasure a corporate seal.

(b) To purchase, take by gift, bequest, or otherwise, own, hold, manage, operate, and dispose of property of every description, real and personal, subject to the following limitations:

(1) No sale or mortgage may be made by the Tribe of any land or interests in land, including mineral rights, now or hereafter held by the Tribe.

(2) No leases or permits (which terms shall not include land assignments to members of the Tribe) covering any land or interests in land now or hereafter held by the Tribe shall be made by the Tribe for a longer term than five years, and all such leases, permits or contracts must by approved by the Secretary of the Interior or by his duly authorized representative; but mineral leases or any leases requiring substantial improvements of the land may be made for longer periods when authorized by law.

(3) No action shall be taken by or in behalf of the Tribe which in any way operates to destroy or injure the tribal grazing lands or other natural resources of the Tribe. All leases or permits relating to the use of tribal grazing lands shall conform to regulations of the Secretary of the Interior authorized by Section 6 of the Act of June 18, 1934, with respect to range carrying capacity and other matters therein specified. Conformity to such regulations shall be made a condition of any such lease or permit whether or not such agreement requires the approval of the Secretary of the Interior, and violation of such condition shall render the agreement revocable, in the discretion of the Secretary of the Interior.

(c) To issue interests in corporate property in exchange for restricted Indian lands, the forms for such interests to be approved by the Secretary of the Interior.

(d) To borrow money from the Indian Credit Fund in accordance with the terms of Section 10 of the Act of June 18, 1934 (48 Stat. 984), or from any other Governmental agency, or from any member or association of members of the Tribe and to use such funds directly for productive tribal enterprises, or to loan money thus borrowed to individual members or associations of members of the Tribe: Provided, That the amount of indebtedness to which the Tribe may subject itself, aside from loans from the Indian Credit Fund, shall not exceed $2,000, except with the express approval of the Secretary of the Interior.

(e) To engage in any business that will further the economic well-being of the members of the Tribe or to undertake any activity of any nature whatever, not inconsistent with law or with any provisions of this charter.

(f) To make and perform contracts and agreements of every description, not inconsistent with law or with any provisions of this charter, with any municipality or any county, or with the United States or the State of Nevada, including agreements with the State of Nevada for the rendition of public services: Provided, That any contract involving payment of money by the corporation in excess of $200 in any one fiscal year shall be subject to the approval of the Secretary of the Interior or his duly authorized representative.

(g) To pledge chattels or assign future tribal income due or to become due to the Tribe: Provided, That any such agreement assigning future income shall not

extend more than two years from the date of execution and shall not amount for any one year to more than one-half of the net tribal income in the preceding year: And provided further, That any such agreement of pledge or assignment shall be subject to the approval of the Secretary of the Interior or his duly authorized representative.

(h) To deposit corporate funds, from whatever source derived, in any national or State bank to the extent that such funds are insured by the Federal Deposit Insurance Corporation, or secured by a surety bond, or other security, approved by the Secretary of the Interior; or to deposit such funds in the Postal Savings Bank or with a bonded disbursing officer of the United States to the credit of the Tribe.

(i) To sue and to be sued in courts of competent jurisdiction within the United States; but the grant or exercise of such power to sue and to be sued shall not be deemed a consent by the Tribe or by the United States to the levy of any judgment, lien or attachment upon the property of the Tribe other than income or chattels specially pledged or assigned.

(j) To exercise such further incidental powers, not inconsistent with law, as may be necessary to the conduct of corporate business.

6. Termination of Supervisory Powers. Upon request of the Washoe Tribel Council for the termination of any supervisory power reserved to the Secretary of the Interior under Sections 5 (b) (2), 5 (c), 5 (d), 5 (f), 5 (g), 5 (h), and Section 8 of this charter, the Secretary of the Interior, if he shall approve such request, shall thereupon submit the question of such termination for ratification by the Tribe. The termination shall be effective upon ratification by a majority vote of the adult members of the Tribe residing within the territory of the Tribe, at an election in which at least 30 percent of the eligible voters vote. If, at any time after ten years from the date of approval of this charter, the Secretary shall disapprove a request for the termination of any such power, or fail to approve or disapprove it within 90 days after its receipt, the question of its termination may then be submitted by the Secretary or by the Tribal Council to popular referendum of the adult members of the Tribe actually living within the Territory of the Tribe, and if the termination is approved by two-thirds of the eligible voters, it shall be effective.

7. Corporate Property. No property rights of the Washoe Tribe shall be in any way impaired by anything contained in this charter, and the tribal ownership of unallotted lands, whether or not assigned to the use of any particular individuals is hereby expressly recognized. The individually owned property of members of the Tribe shall not be subject to any corporate debts or liabilities without such owners' consent. Any existing lawful debts of the Tribe shall continue in force, except as such debts may be satisfied or cancelled pursuant to law.

8. Corporate Dividends. The Tribe may issue to each of its members a non-transferable certificate of membership evidencing the equal share of each member in the assets of the Tribe and may distribute per capita among the recognized members of the Tribe, all income of the Tribe over and above sums necessary to defray corporate obligations to members of the Tribe or to other persons and over and above all sums which may be devoted to the establishment of a reserve fund, the construction of public works, the costs of public enterprises, the expenses of tribal government, the needs of charity, or other corporate purpose. Any such distribution of profits in any one year amounting to a distribution of more than one-half of the accrued surplus, shall not be made without the approval of the Secretary of the Interior. No financial assets

of the Tribe shall be distributed except as provided herein.

9. Corporate Accounts. The officers of the Tribe shall maintain accurate and complete public accounts of the financial affairs of the Tribe, which shall clearly show all credits, debts, pledges, and assignments, and shall furnish an annual balance sheet and report of the financial affairs of the Tribe to the Commissioner of Indian Affairs.

10. Amendments. This charter shall not be revoked or surrendered except by act of Congress, but amendments may be proposed by resolutions of the Tribal Council which, if approved by the Secretary of the Interior, shall be effective when ratified by a majority vote of the adult members living within the territory of the Tribe at a popular referendum in which at least 30 percent of the eligible voters vote.

11. Ratification. This charter shall be effective from and after the date of its ratification by a majority vote of the adult members of the Washoe Tribe living within the Dresslerville Indian Colony, provided at least 30 percent of the eligible voters shall vote, such ratification to be formally certified by the Superintendent of the Carson Indian Agency and the Chairman and Secretary of the Washoe Tribal Council.

Submitted by the Secretary of the Interior for ratification by the Washoe Tribe in a popular referendum to be held on February 27, 1937.

CHARLES WEST,
Acting Secretary of the Interior,

[SEAL]

WASHINGTON, D.C., February 24, 1937.

CERTIFICATION

Pursuant to section 17 of the Act of June 18, 1934 (48 Stat. 984) this charter, issued on February 24, 1937, by the Secretary of the Interior to the Washoe Tribe of the States of Nevada and California, was duly submitted for ratification to the adult Indians living on the Dresslerville Indian Colony and was on February 27, 1937, duly passed by a vote of 53 for, and 0 against, in an election in which over thirty percent of those entitled to vote cast their ballots.

RAYMOND FILLMORE,
Chairman of the Tribal Council.

ROMA JAMES,
Secretary of the Tribal Council.

R.C. BOCZKIEWICZ,
Acting Superintendent in charge of the Reservation.

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AMENDMENT I, CORPORATE CHARTER OF THE WASHOE TRIBE

OF THE STATES OF NEVADA AND CALIFORNIA

That section 5 (g) of the Charter be amended to read as follows:

"To pledge or assign chattels or future tribal income due or to become due to the Tribe; Provided, That no such assignment of tribal income, other than an assignment to the United States, shall extend more than 10 years from the date of execution, and shall not amount for any one year to more than one-half of the net tribal income from any one source."

Pursuant to the authority vested in the Secretary of the Interior by the Act of June 18, 1934 (48 Stat. 984) and section 10 of the Corporate Charter of the Washoe Tribe, the foregoing amendment of section 5 (g) of said Charter is hereby approved.

OSCAR L. CHAPMAN,
Assistant Secretary of the Interior.

[SEAL]

Approval recommended.

FRED H. DAIKER,
Assistant to the Commissioner.

WASHINGTON, D.C., May 3, 1939.

CERTIFICATION OF ADOPTION

Pursuant to section 10 of the Corporate Charter of the Washoe Tribe and section 17 of the Act of June 18, 1934 (48 Stat. 984), this amendment of section 5 (g) of said Charter, approved on May 3, 1939 by the Assistant Secretary of the Interior, was duly submitted to the adult members of the tribe living within the Dresslerville Indian Colony and was on June 25, 1939 duly ratified by a vote of 72 for, and 0 against, in an election in which over 30 percent of those entitled to vote cast their ballots.

WILLIE SMOKEY,
Acting Chairman of the Tribal Council.

WILLIE JIM,
Acting Secretary of the Tribal Council.

ALIDA C. BOWLER,
Superintendent, Carson Agency.

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# AMENDED CONSTITUTION AND BY-LAWS OF THE WASHOE TRIBE OF NEVADA AND CALIFORNIA

Approved June 20, 1966

## PREAMBLE

We, the members of the Washoe Tribe of Nevada and California, in order to establish our tribal organization, to develop our community resources, to administer justice, and to promote the economic and social welfare of ourselves and our descendants, do hereby ordain and establish this amended constitution and bylaws as a guide for the deliberations of our council in its administration of tribal affairs.

## ARTICLE I — JURSIDICTION

SECTION 1. The territorial jurisdiction of the Washoe Tribe of Nevada and California, hereinafter referred to as the Washoe Tribe, shall extend to all tribally held lands including the Dresslerville Indian Colony, the Carson Indian Colony, and the lands known as the Washoe Ranches, all of which are more particularly described in the official records of Ormsby and Douglas Counties, Nevada. Territorial jurisdiction shall also extend to all lands hereafter acquired by or for the Washoe Tribe.

(a) The Dresslerville Indian Colony encompasses that 40 acres described as the SE 1/4 SE 1/4 Sec. 15, T.12N., R20E., MDM, Douglas County, Nevada; and in addition, that portion of the NW 1/4 NW 1/4 Sec. 23, T.12N., R20E., MDM, Douglas County, Nevada, lying westerly and southerly of the east fork of the Carson River and embracing a portion of the Heidtman Purchase.

(b) The Carson Indian Colony encompasses thase tracts of land in Ormsby County which, when purchased, were known as the Blackie Ranch and the Little Ranch.

(c) The Washoe Ranches consist of those lands included in the Faletti Purchase, the Judd Purchase, and the Heidtman Purchase, excluding any portion specifically cited in (a) above.

SEC. 2. No territorial jurisdiction shall be exercised by the Washoe Tribe over the Washoe tribal land interests within the Reno-Sparks Indian Colony.

## ARTICLE II — MEMBERSHIP

SECTION 1. The membership of the Washoe Tribe shall consist of all persons of at least one-fourth (1/4) degree Washoe Indian blood.

SEC. 2. The Washoe Tribal Council shall have the power, by an affirmative vote of two-thirds (2/3), to adopt any person as an honorary member of the tribe, provided: That such honarary membership shall not entitle any such person to share in the distribution of any assets derived from tribal resources; hold an elective office with the tribe; or have tribal voting privileges.

SEC. 3. The Washoe Tribal Council shall have the power to promulgate ordinances, subject to review by the Secretary of the Interior, governing enrollment procedures, loss of membership, and the adoption of honorary members.

SEC. 4. Members of the Washoe Tribe who reside in or on any of the recognized Washoe communities or colonies represented on the Washoe Tribal Council shall be permitted to be enrolled as residents of these communities or colonies. As enrollees they may receive the benefits and privileges that accompany such enrollment without losing their membership eligibility with the Washoe Tribe or forfeiting any rights they may be entitled to as members of the Washoe Tribe.

SEC. 5. No person enrolled with, affiliated with, or recognized as a member of another Indian tribe or group (with the exception of the groups represented on the Washoe Tribal Council) shall be eligible for membership in the Washoe Tribe.

ARTICLE III — GOVERNING BODY

SECTION 1. The supreme governing body of the Washoe Tribe shall consist of a council known as the Washoe Tribal Council. This council shall be composed of nine council members, including a Chairman and a Vice-Chairman elected by the council members from within the council membership, and a Secretary-Treasurer chosen from within or outside the council but within the tribal membership. All nine Washoe tribal council members shall be enrolled members of the Washoe Tribe, 21 years of age or older.

SEC. 2. The Washoe communities of Carson Colony, Dresslerville Colony, and Woodfords shall elect local governing bodies which shall be known as community councils. The community councils shall be composed of a maximum of five (5) persons. Community council members shall be elected from and by enrolled members of the Washoe Tribe who are at least 21 years of age and are residents of the community or colony where they vote or where they serve.

SEC. 3. Within 30 days after the election of the community councils, three (3) members of the Dresslerville Community Council, two (2) members of the Carson Community Council, and two (2) members of the Woodfords Community Council shall be selected by their respective local council to serve on the Washoe Tribal Council. The Washoe tribal members residing on the Reno-Sparks Indian Colony shall elect one (1) person from among their adult residents to serve on the Washoe Tribal Council. The ninth member of the Washoe Tribal Council shall be an adult member of the Washoe Tribe who is not a resident of one of the communitites or colonies. He or she shall be elected by all the members of the Washoe Tribe voting in the election.

SEC. 4. All Washoe Tribal Council members, as well as all community council members, shall hold office for a term of four years or until successors have been elected and seated.

ARTICLE VI — NOMINATIONS AND ELECTIONS

SECTION 1. The first general election of all council members under this amended constitution shall be held within sixty (60) days from the date of the constitution's approval. The election shall be conducted under the direction of an Election Board appointed by the existing Washoe Tribal Council and in accordance with rules prescribed by the Election Board.

SEC. 2. In ensuing elections, all council members shall be elected on the same election day held every fourth year on the third Saturday in October. The election

shall be conducted under the direction of an Election Board appointed by the existing Washoe Tribal Council and in accordance with rules prescribed by the Election Board.

SEC. 3. All members of the Washoe Tribe, 21 years of age and older, shall be eligible to vote.

SEC. 4. Voting shall be by secret ballot.

ARTICLE V — VACANCIES AND REMOVAL FROM OFFICE

SECTION 1. If a Washoe tribal councilman or tribal officer shall die, resign from the Washoe Tribal Council or tribal membership, be removed from office by the Washoe Tribal Council or be recalled as provided in Article IX, the Washoe Tribal Council shall declare the office vacant. If the office is vacated by a representative of one of the community councils, that community council shall appoint a successor to fill the unexpired term. If the Reno-Sparks Colony representatives's seat shall become vacant, the Washoe residents of that Colony shall appoint a new representative to fill the unexpired term. In the case of the "non-affiliated" representative, or a tribal officer not in one of the above categories, the Washoe Tribal Council shall appoint the successor. All vacancies shall be filled within 30 days from the date they are vacated.

SEC. 2. Any Washoe Tribal Council member or tribal officer may be expelled from office by a two-thirds vote of the Washoe Tribal Council members if, in their opinion, he is guilty of improper conduct or gross neglect of duty; provided, that the accused is given full opportunity to reply to any and all charges at a designated Washoe Tribal Council meeting, and provided further, that the accused shall have been given a written statement of the charges against him at least five days before the meeting set for his hearing.

ARTICLE VI — POWERS AND DUTIES OF THE WASHOE TRIBAL COUNCIL

SECTION 1. Enumerated Powers. The Washoe Tribal Council shall exercise the following powers, subject to any limitations imposed by the Statutes or the Constitution of the United States.

(a) To negotiate with the Federal, State, and local governments, and to execute contracts and agreements with these and other associations, corporations, or individuals.

(b) To employ legal counsel, the choice of counsel and fixing of fees to be subject to the approval of the Secretary of the Interior.

(c) To approve or veto any sale, disposition, lease or encumbrance of tribal lands, interests in lands, or other tribal assets of the tribe.

(d) To consult with the Secretary of the Interior with regard to all appropriation estimates or Federal projects for the benefit of the Washoe Tribe prior to the submission of such estimates to the Bureau of the Budget and to Congress.

(e) To manage all economic affairs and enterprises of the Washoe Tribe.

(f) To promulgate and enforce ordinances, which shall be subject to review by the Secretary of the Interior, governing the conduct of members of the Washoe Tribe;

providing for the manner of making, holding, and revoking assignments of tribal land or interests therein; governing enrollment procedures, loss of membership, and the adoption of members; providing for the levying of taxes and fees; providing for the licensing of non-members coming upon tribal land for the purpose of hunting, fishing, trading, or other business; and for the exclusion from tribal lands of persons not so licensed; and establishing proper agencies for law enforcement of tribal lands.

(g) To create and regulate subordinate organizations for economic and public purposes and to delegate to such organizations, or to any subordinate boards, officials of the tribe, or to the community councils, any of the foregoing powers, reserving the right to review any action taken by virtue of such delegated powers.

(h) To adopt resolutions not inconsistent with this constitution and bylaws, regulating the procedure of the Washoe Tribal Council itself and of other tribal agencies, tribal officers, or tribal organizations of the Washoe Tribe of Indians, and exercising such duties as are conferred upon the Washoe Tribal Council by the attached bylaws.

(i) To prepare an annual budget and appropriate available tribal funds for public purposes, subject to the approval of the Secretary of the Interior. Thirty (30) days prior to the Washoe Tribal Council's submission of the tribe's annual budget, the community councils shall submit their proposed budgets to the Washoe Tribal Council for review.

SEC. 2. Future Powers. The Washoe Tribal Council may exercise such further powers as may in the future be delegated to the Washoe Tribal Council by members of the tribe or by the Secretary of the Interior or any other duly authorized official or agency of the State or Federal Government.

SEC. 3. Reserved Powers. Any rights and powers heretofore vested in the Washoe Tribe but not expressly referred to in this constitution shall not be abridged, but may be exercised by the people of the Washoe Tribe through the adoption of appropriate constitutional amendments.

SEC. 4. Manner of Review. Any resolution or ordinance which, by the terms of this constitution, is subject to review by the Secretary of the Interior, shall be presented to the Superintendent of the reservation, who shall, within ten (10) days thereafter, approve or disapprove the same.

If the Superintendent shall approve any ordinance or resolution, it shall thereupon become effective, but the Superintendent shall transmit a copy of the same, bearing his endorsement, to the Secretary of the Interior, who may within ninety (90) days from the date of its receipt, rescind the said ordinance or resolution for any cause by notifying the Washoe Tribal Council of such decision.

If the Superintendent shall refuse to approve any ordinance or resolution submitted to him he shall advise the Washoe Tribal Council of his reasons therefor. If these reasons appear to the Washoe Tribal Council insufficient, it may , by a majority vote, refer the ordinance or resolution to the Secretary of the Interior, who may within ninety (90) days from the date of its receipt by him, approve the same in writing, whereupon the said ordinance or resolution shall become effective.

## ARTICLE VII — POWERS OF THE COMMUNITY COUNCILS

SECTION 1. Through the adoption of Articles of Association approved by the Washoe Tribal Council, the community councils established at Woodfords, the Dresslerville

Colony, and the Carson Colony shall make every effort to improve the welfare and protect the interests of the residents of their respective communities.

SEC. 2. All powers not now or in the future expressly reserved for or delegated to the Washoe Tribal Council may be exercised by the community councils in accordance with their Articles of Association and this constitution, and subject to all limitations imposed by the Statutes and Constitution of the United States; provided: That the Washoe Tribal Council reserves the right to veto an action of the community councils which, in the opinion of the Washoe Tribal Council, is not in the best interest of the local residents or the Washoe Tribal membership as a whole, and provided further: That such veto action must be taken within 60 days from the date of the community council's action.

## ARTICLE VIII — TRIBAL LANDS

SECTION 1. Allotted lands, including heirship lands, held in trust by the United States for members of the Washoe Tribe, shall continue to be held as heretofore by their present owners. The right of the individual Indian to hold or to part with his land, as under existing law, shall not be abrogated by anything contained in this constitution, but the owner of restricted land may with approval of the Secretary of the Interior, voluntarily convey his land to the Washoe Tribe, either in exchange for a money payment or in exchange for standard assignment covering the same or other land, as hereinafter provided.

SEC. 2. The unallotted lands of the Washoe Tribe of Indians and lands which may hereafter be acquired by the Washoe Tribe of Indians or by the United States in trust for the Washoe Tribe of Indians shall be held as tribal lands. Tribal lands shall not be allotted to individual Indians but may be assigned to members of the Washoe Tribe, or leased, exchanged for other lands of equal value, or otherwise used by the tribe, as hereinafter provided.

SEC. 3. Tribal lands may be leased by the Washoe Tribal Council with the approval of the Secretary of the Interior, for such periods of time as are permitted by law. The following provisions shall govern:

(a) In the leasing of tribal lands, preference shall be given first to Indian cooperative associations, and secondly, to individual Indians who are members of the Washoe Tribe.

(b) Non-members enjoying tenure on Washoe tribal lands on the date of approval of this amended constitution shall be given the opportunity to lease the land they presently occupy and use, in accordance with the regulations established by the Secretary of the Interior; provided, that these provisions shall not affect existing approved lease contracts.

Persons in this category who do not choose to lease the tribal land will be given 120 days from the date of notification by the Washoe Tribal Council to remove all improvements. At the end of the 120 days period any improvements not removed will become tribal property.

(c) With the exception of those persons provided for in (b) above, no lease of tribal land to non-members shall be made by the Washoe Tribal Council unless it shall appear that no Indian cooperative association or individual member of the tribe is able and willing to use the land and to pay a reasonable fee for such use. The Washoe Tribal Council, in considering any such lease of tribal land upon a Washoe

Colony, shall consider the recommendations of the respective community councils.

(d) Grazing permits covering tribal land may be issued by the Washoe Tribal Council, with the approval of the Secretary of the Interior, in accordance with the Secretary's Rules and Regulations.

SEC. 4. In any assignment of tribal lands preference shall be given first to members of the tribe who are heads of families and are entirely landless, and, secondly, to heads of families who have received assignments consisting of less than an economic or useable unit.

Assignments made under this section shall be for the primary purpose of establishing homes for landless Washoe Indians, and shall be known as Standard Assignments.

SEC. 5. If any members of the tribe holding a Standard Assignment of land shall, for a period of one year, fail to use the land so assigned, the assignment may be cancelled by the Washoe Tribal Council after due notice and an opportunity to be heard, and the said land may be reassigned in accordance with the provisions of Section 4 of this Article.

Upon the death of any Indian holding a Standard Assignment, his heirs or other individuals designated by him, by will or by written request, shall have preference in the reassignment of the land, provided such persons are members of the Washoe Tribe who would be eligible to receive a Standard Assignment, except that where the heirs include minors who are eligible for memberhip in the Washoe Tribe, a surviving parent or guardian, regardless of whether or not they themselves are eligible for membership, may receive the assignment on behalf of the minors.

SEC. 6. All applications for assignment of tribal land shall be filed with the Secretary of the Washoe Tribal Council. Applications from residents of Woodfords, the Dresslerville Colony, and the Carson Colony shall be accompanied by a written recommendation from the respective community councils. All applications shall be filed and processed in accordance with an assignment ordinance enacted by the Washoe Tribal Council and reviewed by the Secretary of the Interior.

## ARTICLE IX — REFERENDUM, INITIATIVE AND RECALL

SECTION 1. Referendum. The Washoe Tribal Council shall, upon receipt of a petition signed by at least 150 eligible voters of the Washoe Tribe, submit any enacted or proposed ordinance or resolution to a referendum of the eligible voters. The decision of a majority of the voters voting in the referendum shall be binding on the Washoe Tribal Council; provided, that at least 30% of those entitled to vote shall vote in the referendum. The Washoe Tribal Council shall call and hold the referendum within 30 days from the date of receipt of a valid petition; and shall prescribe the manner in which it is to be conducted.

SEC. 2. Initiative. The members of the Washoe Tribe reserve the power to propose tribal legislation. Any proposed initiative measure shall be presented to the Washoe Tribal Council accompanied by a petition signed by not less than 150 eligible voters of the Washoe Tribe. Upon receipt of such petition, the Washoe Tribal Council shall within 30 days thereafter call and hold a special election for the purpose of allowing the members of the tribe to vote on the initiative measure. The decision of a majority of the voters voting in such election shall be binding on the Washoe Tribal Council, provided that at least 30% of those entitled to vote shall vote in the referendum.

SEC. 3. Recall. (a) A member of the Washoe Tribal Council who is representing Woodfords, the Dresslerville Colony, or the Carson Colony may be recalled from the Washoe Tribal Council by the residents of his or her respective colony or community, or by a majority vote of the members of his community council. The residents of those communities or colonies may recall one or all of their Washoe Tribal Council representatives by presenting a petition, signed by a majority of the eligible voters of the colony or community, to the community council. This petition shall state the complaint against their representative and shall ask for his or her recall from office. Upon receipt of a valid petition, the community council shall act to recall the accused. A person recalled from the Washoe Tribal Council is not by this action automatically recalled from his seat on the community council.

(b) The Washoe Tribal Council member representing the Reno-Sparks Colony may be recalled by the eligible voters of the tribe who are residents of the Reno-Sparks Colony. They may accomplish a recall by requesting recall action from the Washoe Tribal Council in a petition signed by a majority of the eligible Washoe voting residents.

(c) The "non-affiliated" representative on the Washoe Tribal Council may be recalled from office by a majority of the eligible voters of the Washoe Tribe who vote in a special election called for this purpose by the Washoe Tribal Council. The Washoe Tribal Council shall call this election upon receipt of a petition, signed by 150 eligible voters of the Washoe Tribe, stating the complaint against this representative and requesting the special election.

## ARTICLE X — AMENDMENTS

SECTION 1. This amended constitution and bylaws may be further amended by a majority of the qualified voters of the Washoe Tribe voting in an election called for that purpose by the Secretary of the Interior, provided that at least thirty (30) percent of those entitled to vote shall vote in such election. No amendment shall become effective until it shall have been approved by the Secretary of the Interior.

SEC. 2. It shall be the duty of the Secretary of the Interior to call an election on any proposed amendment upon receipt of a petition signed by at least twenty-five (25) percent of the eligible voters of the Washoe Tribe, or upon receipt of a request for an election signed by two-thirds of the Washoe Tribal Council.

## ARTICLE XI — BILL OF RIGHTS

All members of the Washoe Tribe shall have equal rights, equal protection, and equal opportunity to participate in the economic resources, tribal assets, and activities of the Washoe Tribe. No member of the Washoe Tribe shall be denied any of the constitutional rights or guarantees enjoyed by other citizens of the United States, including but not limited to freedom of religion, speech, and conscience; and the right to orderly association or assembly; the right to petition for action on the redress of grievances; and due process of law.

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# BY-LAWS

## ARTICLE I — DUTIES OF OFFICERS

SECTION 1. The Chairman of the Washoe Tribal Council shall preside over all

meetings of the Washoe Tribal Council, perform all duties of the Chairman, and exercise any authority delegated to him.

SEC. 2. The Vice-Chairman shall assist the Chairman when called on to do so, and in the absence of the Chairman shall preside, and when so presiding shall have all the privileges, duties, and responsibilities of the Chairman.

SEC. 3. As Washoe Tribal Council Secretary the Secretary-Treasurer shall forward a copy of the minutes of all meetings to the Superintendent in charge of the Nevada Agency. As Treasurer of the Washoe Tribal Council, the duties of the Secretary-Treasurer shall be as follows: He shall accept, receive, receipt for, preserve, and safeguard all funds in the custody of the Washoe Tribal Council, whether same be tribal funds or special funds for which the Washoe Tribal Council is acting as trustee or custodian. He shall deposit all such funds in such bank or elsewhere, as directed by the Washoe Tribal Council, and he shall keep an accurate record, filing same in the Washoe Tribal Council's office, and he shall report all receipts and expenditures and accounts and the nature of all funds in his possession, or custody, once every six months to the Washoe Tribal Council in writing, or at any time he is requested to do so by the Washoe Tribal Council. He shall be appropriately bonded at tribal expense.

## ARTICLE II — SEATING OF COUNCIL MEMBERS

SECTION 1. Those persons selected pursuant to Article III of the constitution to serve on the Washoe Tribal Council shall be installed at the first regular meeting of the Washoe Tribal Council following their election.

SEC. 2. Each member of the Washoe Tribal Council and each officer or subordinate officer, elected or appointed hereunder, shall take an oath of office prior to assuming the duties thereof, by which oath he shall pledge himself to support and defend the Constitution of the United States and the Constitution and Bylaws of the Washoe Tribe of Nevada and California.

Oath: "I _____, do solemnly swear that I will support and defend the Constitution of the United States against all enemies; that I will carry out faithfully and impartially the duties of my office to the best of my ability; that I will cooperate, promote, and protect the best interests of my tribe, in accordance with the Constitution and Bylaws of the Washoe Tribe of Nevada and California."

## ARTICLE III — MEETINGS

SECTION 1. Regular meetings of the Washoe Tribal Council shall be held on the second Friday, or, in case of a holdiay, on the third Friday of every month.

SEC. 2. Special meetings may be called by a written notice signed by the Chairman or a majority of the Washoe Tribal Council, and when so called, the Washoe Tribal Council shall have power to transact business as in the regular meetings.

## ARTICLE IV — QUORUM

SECTION 1. No business shall be transacted by the Washoe Tribal Council unless a quorum of seven (7) council members is present. Should both the Chairman and Vice-Chairman be absent, a temporary chairman shall be appointed from among the councilmen present.

ARTICLE V — ORDER OF BUSINESS

SECTION 1. Order of business.

(a) Call to order.
(b) Roll call.
(c) Reading the minutes of last meeting.
(d) Unfinished business.
(e) Reports.
(f) New Business.
(g) Adjournment.

ARTICLE VI — SALARIES AND EXPENSES

SECTION 1. The Washoe Tribal Council may prescribe such salaries and expenses for officers or members of the Washoe Tribal Council as it deems advisable, from such funds as may be available.

ARTICLE VII — ORDINANCES AND RESOLUTION

SECTION 1. All final decisions of the Washoe Tribal Council on matters of general and permanent interest to the members of the tribe shall be embodied in ordinances.

SEC. 2. All final decisions of the Washoe Tribal Council on matters of temporary interest or relating especially to particular individuals or officials, shall be embodied in resolutions. All Washoe Tribal Council legislation, minutes of Washoe Tribal Council meetings, and tribal financial records shall be open to inspection by any member of the Washoe Tribe, at such times as found convenient to the council.

SEC. 3. All questions of procedure (such as acceptance of committee reports or invitations to outsiders to speak) shall be decided by action of the Washoe Tribal Council or by the ruling of the Chairman if no objection is heard. In all ordinances, resolutions, or motions, the Washoe Tribal Council may act by majority vote, but all matters of importance shall be fully discussed and a reasonable attempt shall be made to secure unanimous agreement.

SEC. 4. Every resolution shall begin with the words: "Be it resolved by the Washoe Tribal Council."

SEC. 5. Every ordinance or resolution shall contain the authority (statute, tribal constitution, etc.) for the Washoe Tribal Council's legislative action.

ARTICLE VIII — ADOPTION

This Amended Constitution and Bylaws shall be in full force and effect whenever a majority of the adult voters of the Washoe Tribe of Indians voting in an election called by the Secretary of the Interior, in which at least thirty (30) percent of the eligible voters shall vote, shall have ratified such constitution and bylaws, and the Secretary of the Interior shall have approve same, as provided in the Act of June 18, 1934, as amended by the Act of June 15, 1935.

Amended Constitution and Bylaws adopted by the tribal voters at an election held May 14, 1966.

Document approved by Assistant Secretary of the Interior on June 20, 1966.

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